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REGULATIONS

FOR THE

ARMY OF THE UNITED STATES

1895

WITH

APPENDIX

SEPARATELY INDEXED, SHOWING CHANGES TO JANUARY 1, 1901

ALSO MEMORANDUM OF PARAGRAPHS AFFECTED
(PAGES 579 TO 582)

WASHINGTON
GOVERNMENT PRINTING OFFICE
1901

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WAR DEPARTMENT, *October 31, 1895.*

The PRESIDENT OF THE UNITED STATES directs that the following *Regulations for the Army* be published for the government of all concerned, and that they be strictly observed. Nothing contrary to the tenor of these Regulations will be enjoined in any part of the forces of the United States by any commander whomsoever.

DANIEL S. LAMONT,
Secretary of War.

NOTE.—The Drill Regulations, the Instructions for Troops in Campaign, and the manuals and special regulations concerning the several staff departments or particular branches of the service will contain, besides extracts from general regulations, such rules as have special application; but no regulations, orders, or instructions will be embodied therein which are in conflict with the Regulations for the Army. (Decision of Secretary of War, October 31, 1895.)

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REGULATIONS

FOR THE

ARMY OF THE UNITED STATES.

ARTICLE I.

MILITARY DISCIPLINE.

1. All persons in the military service are required to obey strictly and to execute promptly the lawful orders of their superiors.

2. Military authority will be exercised with firmness, kindness and justice. Punishments must conform to law and follow offenses as promptly as circumstances will permit.

3. Superiors are forbidden to injure those under their authority by tyrannical or capricious conduct, or by abusive language.

4. Courtesy among military men is indispensable to discipline; respect to superiors will not be confined to obedience on duty but will be extended on all occasions.

5. Deliberations or discussions among military men conveying praise or censure, or any mark of approbation, toward others in the military service, and all publications relating to private or personal transactions between officers, are prohibited. Efforts to influence legislation affecting the Army, or to procure personal favor or consideration, should never be made except through regular military channels; the adoption of any other method will be noted in the military record of those concerned.

ARTICLE II.

PRECEDENCE OF REGIMENTS AND CORPS.

6. On all occasions of ceremony, except funeral escort, troops are arranged from right to left in line, and from head to rear in column, in the following order: First, infantry; second, light artillery; third, cavalry. Artillery serving as infantry is posted as infantry; dismounted cavalry and marines are on the left of the infantry; engineer troops are on the right of the command to which they are attached; detachments of the hospital corps are assigned to place according to the nature of the service. When cavalry and light artillery, or light artillery and infantry, are reviewed together without other troops, the artillery is posted on the left. In the same arm, regulars, volunteers, and militia are posted in line from right to left, or in column from head to rear, in the order named. In reviews of large bodies of troops the different arms and classes are posted at the discretion of the commanding general, due regard being paid to their position in camp. On all other occasions troops of all classes are posted at the discretion of the general or senior commander.

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ARTICLE III.

RANK AND PRECEDENCE OF OFFICERS AND NONCOMMISSIONED OFFICERS.

7. Military rank is that character or quality bestowed on military persons which marks their station, and confers eligibility to exercise command or authority in the military service within the limits prescribed by law. It is divided into degrees or grades, which mark the relative positions and powers of the different classes of persons possessing it.

8. Rank is generally held by virtue of office in a regiment, corps, or department, but may be conferred independently of office, as in the case of retired officers and of those holding it by brevet.

9. The following are the grades of rank of officers and noncommissioned officers:

1. Major-general.
2. Brigadier-general.
3. Colonel.
4. Lieutenant-colonel.
5. Major.
6. Captain.
7. First lieutenant.
8. Second lieutenant.
9. Cadet.
10. Sergeant-major (regimental).
11. Quartermaster-sergeant (regimental).
12. Ordnance, commissary, and post quartermaster-sergeant, hospital steward, first-class sergeant of the Signal Corps, chief musician, principal musician, chief trumpeter, and saddler sergeant.
13. First sergeant.
14. Sergeant and acting hospital steward.
15. Corporal.

In each grade, date of commission, appointment, or warrant, determines the order of precedence.

10. Officers of the Regular Army, Marine Corps, and volunteers when commissioned or mustered into the service of the United States, being upon equal footing, take precedence in each grade by date of commission or appointment. Militia officers, when employed with the regular or volunteer forces of the United States, take rank next after all officers of like grade in those forces

11. Between officers of the same grade and date of appointment or commission, other than through promotion by seniority, relative rank is determined by length of service, continuous or otherwise, as a commissioned officer of the United States, either in the Regular Army, or, since April 19, 1861, in the volunteer forces. When periods of service are equal, precedence will, except when fixed by order of merit on examination, be determined, first, by rank in service when appointed; second, by former rank in the Army or Marine Corps; third, by lot, among such as have not been in the military service of the United States.

12. The relative rank between officers of the Army and Navy is as follows, lineal rank only being considered:

General with admiral.
Lieutenant-general with vice-admiral.
Major-general with rear-admiral.
Brigadier-general with commodore.
Colonel with captain.
Lieutenant-colonel with commander.
Major with lieutenant-commander.
Captain with lieutenant.
First lieutenant with lieutenant (junior grade).
Second lieutenant with ensign.

ARTICLE IV.

COMMAND.

13. Command is exercised by virtue of office and the special assignment of officers holding military rank who are eligible by law to exercise command. Without orders from competent authority an officer can not put himself on duty by virtue of his commission alone, except as contemplated in the 24th and 122d Articles of War.

14. The following are the commands appropriate to each grade:

1. For a captain, a company.
2. For a major or lieutenant-colonel, a battalion or squadron.
3. For a colonel, a regiment.
4. For a brigadier-general, two regiments.
5. For a major-general, four regiments.

15. The functions assigned to any officer in these regulations by title of office devolve upon the officer acting in his place, except when otherwise specified. An officer in temporary command shall not, except in urgent cases, alter or annul the standing orders of the permanent commander without authority from the next higher commander.

16. An officer who succeeds to any command or duty stands in regard to his duties in the same situation as his predecessor. The officer relieved will turn over to his successor all orders in force at the time, and all the public property and funds pertaining to his command or duty, and will receive therefor duplicate receipts showing the condition of each article.

17. An officer of Engineers or Ordnance, or of the Adjutant-General's, Inspector-General's, Judge-Advocate-General's, Quartermaster's, or Subsistence Department, or of the Signal Corps, though eligible to command, according to his rank, shall not assume command of troops unless put on duty under orders which specially so direct, by authority of the President.

18. An officer of the Pay or Medical Department can not exercise command, except in his own department; but by virtue of his commission he may command all enlisted men like other commissioned officers.

19. When an officer is charged with directing an expedition or making a reconnaissance, without having command of the escort, the commander of the escort will consult him touching all arrangements necessary to secure the success of the operation.

ARTICLE V.

APPOINTMENT AND PROMOTION OF COMMISSIONED OFFICERS.

20. Notices of appointments and promotions are issued by the War Department, through the Adjutant-General of the Army.

21. Appointment to the grade of general officer is made by selection from the Army.

22. Promotions in established staff corps and departments to include the grade of colonel will be made by seniority, subject to the examinations required by law.

23. Promotions in the line of the Army to include the grade of colonel, in each arm of the service, will be made by seniority, subject to the examinations required by law, except that all officers of the line of the Army in

service October 1, 1890, above the grade of second lieutenant, will, subject to the prescribed examinations, be promoted in accordance with the regulations existing on that date.

24. Vacancies in the grade of second lieutenant existing on the 1st day of July each year are filled by appointment, in order, as follows: (1) From graduates of the United States Military Academy; (2) from enlisted men of the Army found duly qualified; (3) from civil life.

25. With a view to the selection of proper enlisted men of the Army as "candidates for promotion" to the grade of second lieutenant, each department commander will, as soon as practicable after March 15 of each year, convene a board of five officers for the preliminary examination of the soldiers of his command who are legally qualified applicants for a commission, to determine their eligibility for the competitive examination. This board will institute a rigid inquiry into the character, capacity, record, and qualifications of the several candidates. and will recommend none for competitive examination who are not able to establish their fitness for promotion to the entire satisfaction of the board. On September 1 of each year the War Department will convene a board of five officers for the final competitive examination to determine the fitness and order of merit for promotion of the soldiers who have successfully passed the preliminary examination. Two members of each board will be officers of the Medical Department.

26. Each enlisted man recommended in accordance with the law and the foregoing regulation will receive from the Adjutant-General of the Army a certificate of eligibility for appointment to the grade of second lieutenant and will be known as a "candidate" for promotion. He will have the title "candidate" prefixed to his name in all rolls, returns, orders and correspondence in which it appears, and will be entitled to wear the candidate's stripes on the sleeves of uniform coat, blouse, and overcoat, so long as he holds this specially honorable position. The candidate's stripe will be worn on the upper half of each cuff. It will consist of a double stripe running the length of the cuff, pointed at the upper end and with a small button below the point of the stripe; for uniform coat, of gold braid; for blouse and overcoat, of cloth of same color as facings of uniform; width of braid or cloth, one-quarter inch; width of space between braid, one-eighth inch.

27. The eligibility of a candidate for appointment as second lieutenant and his privileges as candidate terminate the 1st of September next succeeding his competitive examination, unless he shall again be recommended on competitive examination. A candidate who becomes ineligible by reason of age will be entitled to wear the candidate's stripe on the left sleeve so long as he maintains his good standing in the service. Having passed a departmental board, but having failed to pass the competitive board, he may again be examined by the competitive board on proper application made through department headquarters; he will not be required to pass a departmental board a second time. An applicant who twice fails in competitive examination to obtain a certificate of eligibility as candidate for promotion can not again compete for that position.

28. Candidates who may be guilty of misconduct will be promptly reported to the Adjutant-General of the Army, through regimental and department headquarters, the report to contain a full statement of the alleged misconduct, with names of witnesses. The department commander

will see that the candidate has a fair and impartial hearing, and will forward the report for the decision of the Secretary of War.

29. Candidates for promotion will not be deprived of the privileges of their position unless by sentence of a general court-martial or the order of the Secretary of War, except by operation of law or regulations. While holding the privileges of that position they will not be brought before a summary or field officer's court, or a garrison or regimental court-martial.

30. A soldier to be eligible for the position of candidate for promotion must be a citizen of the United States, unmarried, between 21 and 30 years of age on the 1st of September following his preliminary examination, and of good moral character both before and after enlistment. An applicant will not be ordered for the preliminary examination unless it is apparent that, on the 1st of September next following, he will have served honorably not less than two years, exclusive of technical service due to furlough or other absence from duty in his own interest; nor for the final competitive examination unless he shall have so served. Applications will be made to department commanders on or before February 1 of each year, and company commanders in forwarding them will certify all furloughs had by applicants, stating under what authority they were granted.

31. A civilian to be eligible for appointment must be a citizen of the United States, unmarried, between 21 and 27 years of age, must be examined and approved as to habits, moral character, mental and physical ability, education, and general fitness for the service, by a board convened and constituted as provided in paragraph 25 for the final competitive examination of soldiers.

ARTICLE VI.

Staff Appointments and Details. Military Attachés.

32. As far as practicable, all appointments and details for staff duties will be equalized among the several regiments.

33. A major-general is allowed by law three aids, to be taken from captains or lieutenants of the Army. A brigadier-general is allowed two, to be taken from the lieutenants of the Army. An officer assigned to duty in accordance with his brevet rank as major-general or brigadier-general may, with the special sanction of the War Department, be allowed the aids of the grade. General officers may select their aids from officers serving in their commands, subject to the restrictions herein prescribed, but appointments as aids of officers serving without such limits must receive the approval of the Secretary of War. An officer will be appointed aid to a general officer only after he shall have actually served with troops for at least three of the five years immediately preceding such appointment. He will hold such appointment for no longer period than four years, except that, upon the request of a general officer whose retirement by reason of age will occur within one year, the tour of four years may be extended by the Secretary of War to the date of such retirement.

34. In making details for special duty and detached service, due consideration will be given to the efficiency, zeal, and reliability of officers as evidenced by the record of their services.

35. An officer will not be detached from his regiment or corps until he has served at least three years therewith, and when an officer shall have

been so detached for a period of four years, unless he be assigned to special duty by the War Department, he will apply for orders to be relieved.

36. An officer of the Army serving as military attaché abroad will be entitled to the following allowances: A suitably furnished office when needed, or an unfurnished room with one desk or table, six chairs, one book or file case, the articles allowed for an office desk by Regulations, and the stationery required in the performance of public duty, to be furnished by the Quartermaster's Department, and in either case the regulation allowance of fuel for one office fire. Mounted officers will be allowed forage if horses are actually kept, and officers not mounted, or mounted officers not drawing forage, the hire of a horse when necessary for mounted duty. Necessary funds for these allowances and blank forms for reports and returns will be procured by requisition on the Quartermaster-General. Money accounts will be rendered quarterly. Items for necessary cost of exchange will be entered on accounts current, the entries of each being supported by the certificate of the officer that current rates of exchange were paid and that other vouchers are not obtainable. Allowances of mileage, commutation of quarters, and, except as provided in paragraph 1121, transportation, are the same as when on other duty.

37. All publications of a military nature issued by the Government intended for delivery abroad will, unless otherwise ordered, be sent to the War Department, marked, "Division of Military Information."

ARTICLE VII.

CHAPLAINS.

38. Post chaplains will be assigned and transferred by the Secretary of War.

39. Department commanders will from time to time recommend such transfers of chaplains in their commands as may be deemed for the best interests of the service.

40. Chaplains will render to the Adjutant-General of the Army, through the usual military channels, on prescribed forms, monthly reports of duties performed. They will keep an accurate record of all marriage, baptismal, and funeral services performed by them, both for persons in the military service and for civilians. This will be one of the post records, and will be subject to examination by inspectors.

41. Chaplains will not be required to turn out with troops on occasions of ceremony, but will be inspected at post chapels, schoolrooms, or libraries, as may be designated by post commanders.

ARTICLE VIII.

TRANSFER OR EXCHANGE OF OFFICERS.

42. Officers transferred from one arm or corps to another, on mutual application, will be nominated for reappointment with rank as of the date of the commission of the junior officer previous to the transfer, and upon confirmation will be recommissioned accordingly. An officer of the lowest grade in any arm or corps who may be transferred, on his own application, to a vacancy in his grade in any other arm or corps will take rank next after the junior officer of the arm or corps to which he is transferred, and will be

nominated for reappointment, with a new date of rank if necessary to fix his proper position, and upon confirmation will be recommissioned accordingly. These new appointments and commissions will determine the rank of transferred officers in their regiments and corps, as well as in the Army.

43. Officers in each arm of the service will be transferred from one regiment to another therein, as the interests of the service require, by orders from the War Department, without change of rank or commission. The transfer or exchange of company officers of a regiment will be made by the Commanding General of the Army.

ARTICLE IX.

LEAVES OF ABSENCE TO OFFICERS.

ORDINARY LEAVES.

44. In time of peace the commander of a post may grant leaves of absence not to exceed seven days at one time, or in the same month; and he may give permission to apply to the proper authority for extension of such leaves for a period not to exceed twenty-three days.

45. The commander of a post may take leave of absence not to exceed seven days at one time, or in the same month, reporting the fact to his next superior commander.

46. A department commander may grant leaves for one month and the Commanding General of the Army for two months; or they may extend to such periods those granted by subordinate commanders. Applications for leaves of more than two months' duration, or from officers of the staff corps and departments for more than one month, or from department commanders desiring leaves of absence to pass beyond the territorial limits of their commands, will be forwarded to the Adjutant-General of the Army for the action of the Secretary of War.

47. An application for leave must state its desired duration. Intermediate commanders will indorse their recommendations upon the application.

48. Chiefs of bureaus may grant leaves for one month to officers of their respective corps serving under their immediate direction, or extend to that period those already granted to such officers.

49. Leaves of absence for three months, from date of graduation, will be allowed to graduates of the Military Academy. They will not be counted against them in subsequent applications for leave, but can not be postponed to another time.

50. Leaves of absence will not be granted so that a company will be left without a commissioned officer, or a post without two commissioned officers and competent medical attendance; nor will leave of absence be granted to an officer during the season of active operations, except in case of urgent necessity.

51. Leave of absence exceeding seven days, except under extraordinary circumstances particularly stated in the application, will not be granted to an officer until he has joined his regiment or corps, and served therein at least two years.

52. Applications for leaves of absence will not be made except through military channels, nor will extensions be granted unless recommended by competent authority.

53. Leaves of absence will be granted in terms of months and days, as "one month," "one month and ten days." Leave for one month, beginning on the first day of a calendar month, will expire with the last day of the month, whatever its number of days. Commencing on an intermediate day, the leave will expire the day preceding the same day of the next month. The day of departure, whatever the hour, is counted as a day of duty; the day of return, as a day of absence.

54. A leave of absence commences on the day following that on which the officer departs from his proper station. The expiration of his leave must find him at his post, except as indicated in paragraph 1331. A leave of absence granted an officer in the field, or on special duty, will take effect on the termination of the campaign, or on the completion of such duty, unless in the opinion of the department commander his services can sooner be spared, in which case it will take effect at such time as the department commander may direct. In all other cases an officer is expected to avail himself of a leave as soon as proper facilities offer, unless a specific date is stated in the order, and if unable to do so, he will report the fact to the authority granting the leave.

55. Officers will not leave the United States to go beyond the sea, without permission from the War Department.

56. An officer of the Army visiting foreign countries, whether on duty or leave, will avail himself of all proper opportunities to obtain military information, especially such as pertains to his branch of the service. He will report the results of his observations to the Adjutant-General of the Army on his return to duty, or sooner if practicable.

57. An officer granted leave of absence for more than seven days will, before taking advantage thereof, report to his post and regimental or corps commander and to the Adjutant-General of the Army the probable date of his departure and his new address, and thereafter he will immediately report any change in his address to the same officers. Verbal permits for less than twenty-four hours are not counted as leaves of absence, but every other absence, of whatever duration, with date of departure and return, will be noted on the post regimental and department returns.

58. Permission to hunt will not be considered as a leave of absence if the officer on his return to the station forwards to department headquarters, through his commanding officer, a certificate that his time while absent was employed solely in hunting, and furnishes a report giving as complete a description as possible of the country traversed by him.

59. All applications for extensions of leaves of absence or for delays, and all correspondence regarding them, will pass through military channels.

SICK LEAVES.

60. Application for leave of absence on account of sickness will be made to the commanding officer, who will refer it to the surgeon. The surgeon will examine the applicant and should he find the leave necessary to restore health, he will submit to the commanding officer a medical certificate in the prescribed form, stating explicitly the nature, seat, and degree of the disease, wound, or disability, the cause thereof if known, and the period during which the officer has suffered from it. He will also give his opinion as to whether the disease, wound, or disability can be satisfactorily treated within the department in which the officer is stationed, or whether a change of climate

or locality within the United States is necessary to afford more rapid or perfect recovery, in which case the special place or region recommended will be designated, with reasons therefor. The surgeon will also state whether, in his opinion, the disease, wound, or disability requires treatment by a specialist, and, if so, the nearest place where it can be obtained; also whether the wound or disease incapacitates the officer from all duty, or whether he can perform special duty, and, if so, the kind that he may undertake without endangering his ultimate cure.

61. The Commanding General of the Army and department commanders have the same authority to grant leaves of absence on account of sickness as to grant ordinary leaves. Permission to go beyond the limits of the command in which the applicant is stationed will be given only when the certificate of the medical officer shall state explicitly that it is necessary to afford rapid or perfect recovery.

62. On the expiration of a sick leave, if the officer be able to travel, he will proceed to his post or station. If an extension of such leave be necessary, he will make timely application therefor through the same channel as in case of request for extension of ordinary leave, basing his application upon a medical certificate in prescribed form. When he can not procure the certificate of a medical officer he will substitute his own certificate, on honor, as to his condition, which will embrace a full statement of his case. While absent from duty he will make report in the same manner as if on ordinary leave.

63. An officer who starts to join his station at the expiration of a sick leave will be reported on the rolls and returns as "en route to join station from sick leave of absence," during the time necessarily consumed in making the journey to his post. Should he delay en route, or consume more time in the journey than is necessary, the commanding officer will require him to explain in writing the cause of delay. This explanation will be forwarded to the Adjutant-General of the Army, with the remarks of intermediate commanders.

64. An ordinary leave will not be changed to a sick leave, unless the officer desiring it make application therefor through his post commander, by whom it will be referred to the surgeon, who will certify as to the necessity of the change, or otherwise, as the case may be. The post commander will forward the application through intermediate commanders, who will indorse their remarks thereon for the action of the Commanding General of Army or the Secretary of War. In all reports concerning absence on account of sickness the officer will state how long he has been absent sick, and by what authority.

ARTICLE X.

Officers Traveling on Duty.

65. When an officer is ordered without troops from one post of duty to another, he will proceed by the shortest usually traveled route, without unnecessary delay. Upon his arrival at his new post he will immediately report in writing to the commanding officer the date of his departure from his former station, and submit a copy of his order, noting thereon the date he received it. If he shall appear to have made unnecessary delay en route, he will be required to explain the cause thereof. If the post commander deem the explanation unsatisfactory, he will forward the same, with a statement

of the facts in the case, to the department commander. If the officer be superior in rank to the post commander, the required report will be made by the officer himself to the department commander.

66. Orders detaching an officer for special duty will direct him to return to his proper station on the completion of the duty assigned him, when it is intended that he shall do so.

67. Delays in obeying orders, in reporting for duty, or in returning to duty from leave can not be authorized except by the Secretary of War or the Commanding General of the Army. Such delays will be regarded as leaves of absence, unless it be stated in the order granting them that they are in the interest of the public service.

68. Orders contemplating the payment of mileage must state the special duty enjoined, and that the travel directed is necessary for the public service. They will not direct travel beyond the limits of the command of the officer who issues them. When a general officer is ordered on duty beyond the limits of his command, he may order an officer of his staff to accompany him; if ordered to change station, he may order the necessary change of station of his personal staff.

69. Staff officers not serving under department commanders will apply to the War Department for orders directing necessary travel on public business.

70. When urgent public duty has compelled travel, without authority previously obtained, the case will be immediately reported to the proper superior officer, whose approval in subsequent orders will be accepted as though previously issued.

71. Orders directing officers to visit Washington for the settlement of their accounts will be issued only by the Secretary of War.

72. Officers and enlisted men reporting as witnesses before a civil court should receive from the civil authorities the necessary expenses incurred in travel and attendance. Neither mileage nor travel allowances will be paid in such cases by the War Department. If, however, it is absolutely necessary to furnish them transportation in kind to enable them to appear, as witnesses for the Government, before a civil court of the United States, an account of such expenditure, together with the evidence that they were properly subpœnaed and did attend the court, will be forwarded to the War Department for presentation to the Department of Justice. Officers providing such transportation will notify the court, or the marshal thereof, that it was furnished to enable the witnesses to perform the requisite journeys in obedience to the summons.

ARTICLE XI.

Retirement of Officers.

73. When an officer becomes disabled for the performance of duty by reason of wounds, sickness, or improper habits, his immediate commander will report the facts to the department commander for the action of the War Department. The report in each case will contain specific statements and the names of witnesses by whom they can be substantiated.

74. Habitual intemperance, gambling, or other vices that tend to corrupt an officer and lower the professional standard, will be regarded as proper subjects for the consideration and report of a retiring board.

75. When ample testimony establishes the fact that an officer has through vicious indulgence slighted or neglected his duties to such a degree as to make it unsafe to intrust him with a command, or with responsibility that properly belongs to his grade, and when it is shown that such habits have continued for such length of time as to render permanent reformation improbable, this fact, rather than his condition when he appears before the board, shall weigh in its verdict as to his incapacity for active duty.

76. The uniform of an officer on the retired list is that of his actual rank in his regiment or corps when retired, except that the number of the regiment or insignia of corps or department will not be worn. A retired officer with brevet commission, either in the regular or volunteer service of the Army of the United States, may wear the uniform of his highest brevet grade, and an officer who has held a commission, not brevet, in the volunteer service, may wear the uniform of his highest grade in that service except that the number of the regiment or insignia of corps or department will not be worn.

ARTICLE XII.

Resignation of Officers.

77. A resignation tendered by an officer will be forwarded by his commanding officer, through prescribed channels, to the Adjutant-General of the Army for the decision of the President. Until duly accepted, the officer will not be considered as out of the service.

78. A resignation tendered under charges will be forwarded, accompanied by a report of the case, or if practicable, a copy of the charges. All correspondence with the War Department, on the part of the officer who tenders the resignation, will be conducted through prescribed channels.

79. Leave of absence will not be granted on tender of resignation unless the resignation be unconditional and immediate. When leave is requested, the officer's address will accompany the resignation.

80. An officer of the Army on the active list who accepts or exercises the functions of a civil office thereby ceases to be an officer of the Army. An officer on the active list can not lawfully accept or hold any office created by State statutes, whether in State military organizations or otherwise.

ARTICLE XIII.

Deceased Officers.

81. The death of an officer, with place, cause, day, and hour, will be reported without delay by his immediate commander direct to the Adjutant-General of the Army. A duplicate of this report will be forwarded to department headquarters. When the death occurs away from the officer's station, in hospital or on leave, the medical officer, if one be present, or any officer having cognizance of the fact, will make the report.

82. Inventories of the effects of deceased officers, as required by the 125th Article of War, will be transmitted to the Adjutant-General of the Army. If legal representatives take possession of the effects the fact will be stated in the inventory.

83. If there be no legal representatives present to receive the effects, a list of them will be sent to the nearest relative of the deceased. At the end

of two months, if not called for, they will be sold at auction and accounted for as in the case of deceased soldiers, except that swords, watches, trinkets, and similar articles will be labeled with the name, rank, regiment, and date of death of the owner, and sent through the Adjutant-General to the Auditor for the War Department for the benefit of the heirs.

84. On the death of an officer in charge of public property or funds, his commanding officer will appoint a board of survey, which will inventory the same, and make the customary returns therefor, stating accurately amounts and condition. These the commanding officer will forward to the chiefs of the bureaus to which the property or funds pertain, and he will designate an officer to take charge of such property or funds until orders in the case are received from the proper authority.

85. The remains of officers killed in action, or who die when on duty in the field or at military posts, or when traveling under orders, will be decently inclosed in coffins, and unless claimed by relatives or friends, will be transported by the Quartermaster's Department to the nearest military post or national cemetery for burial. The expense of transporting the remains is payable from the appropriation for Army transportation; other expenses of burial are limited to $75. If buried at the place of death, the fact will be reported to the Adjutant-General of the Army.

ARTICLE XIV.

Details to Colleges.

86. Officers of the Army may be detailed to act as superintendents or professors of established military institutes, seminaries or academies, colleges or universities. Officers desiring such details may apply to the Adjutant-General of the Army through regular channels.

87. Officers serving with light batteries, regimental staff officers, officers who have served less than five years in the Army or less than three years with their regiments or corps, those who have recently completed a tour of detached duty, and officers on duty as instructors or students at the service schools will not be eligible.

88. A retired officer may, at his own request, be detailed for this duty, or he may arrange to serve at a college without detail from, or reference to, the War Department.

89. No detail will be made to any college or university unless the officer is acceptable to the authorities of the institution.

90. Instructions to officers detailed under paragraph 86, and regulations concerning applications for officers, apportionment of details, and the issue of the ordnance stores authorized by law, will be furnished by the War Department.

ARTICLE XV.

The Post Noncommissioned Staff.

91. The post noncommissioned staff consists of ordnance, commissary, and post quartermaster sergeants. They are appointed by the Secretary of War, after due examination, from sergeants in the line of the Army; ordnance sergeants from those who have served at least eight years in the Army, including four years as noncommissioned officers, and who are less

than 45 years of age; commissary sergeants, from those who have served five years in the Army, including three years as noncommissioned officers; post quartermaster-sergeants, from those who have served four years in the Army.

92. An application for appointment must be in the handwriting of the applicant, and will briefly state the length and nature of his military service, and for what time and in what organizations he has served as a noncommissioned officer. The company commander will indorse thereon the character of the applicant, and his opinion as to his intelligence and fitness for the position. The application so indorsed will be submitted to the regimental commander, who will forward the same, with his remarks as to the merits of the applicant, to the Adjutant-General of the Army.

93. While the law contemplates in these appointments the better preservation of public property at the several posts, there is also a further consideration—that of offering a reward to faithful and well-tried sergeants, thus giving encouragement to deserving soldiers to hope for substantial promotion. Colonels and captains can not be too particular in investigating and reporting upon the character and qualifications of applicants.

94. Before the applicant is appointed he will be examined by a board of officers convened for the purpose by the department commander under orders from the Secretary of War.

95. Preliminary to the examination by the board, the applicant will be examined by a medical officer, to determine whether he is physically fitted to perform all duties incident to the position sought.

96. The examining board will inquire into, and report upon, the age, character, service, and physical condition of the applicant; upon his education, clerical proficiency, and general fitness to perform the duties of the position sought; upon his knowledge of Army Regulations and the regulations of the department which he seeks to enter.

97. Before assignment to posts, ordnance sergeants will be sent to arsenals, when practicable, for temporary duty and instruction.

98. The stations of post noncommissioned staff officers will be designated by the Secretary of War.

99. A sergeant of the post noncommissioned staff will assist the officer of his department, and will not be detailed upon any service that will interfere therewith. If the necessities of the service require such detail, the post commander will note the fact, with reasons therefor, on the sergeant's monthly personal report.

100. A sergeant of the post noncommissioned staff at an ungarrisoned post or station will be responsible for the property of his own department, and for such other property as may be intrusted to him for safe-keeping. For all public property committed to his charge he will account to the heads of the staff departments concerned, and if the means at his disposal are insufficient for its preservation, he will report the facts.

101. The military control of noncommissioned officers of the general staff serving at posts not occupied by troops is vested in the commander of the territorial department in which they are serving. All matters relating to them as soldiers subject to military command, as distinguished from the administrative duties imposed upon them by regulations and orders, will,

except in cases of re-enlistment, be determined at department headquarters, where their descriptive lists and accounts of pay and clothing will be kept. When they are discharged a copy of the descriptive list, upon which will be noted the fact of discharge, with the date, place and cause, and the character given on the discharge certificate, will be forwarded to the Adjutant-General of the Army.

102. Each sergeant of the post noncommissioned staff will make such personal reports as may be required by the head of the staff department to which he belongs. The officer under whose orders he is serving will indorse on each report his opinion of the manner in which the sergeant has performed his duties, and the post commander will forward the report direct to the chief of bureau. If, there be no troops at the post, the sergeant will forward the report direct to the Adjutant-General of the Army.

103. A sergeant of the post noncommissioned staff may be re-enlisted, provided he shall have conducted himself properly and performed his duties in a satisfactory manner. If, however, his commanding officer shall not think it proper to make the re-enlistment, he will communicate his reasons to the Adjutant-General of the Army in time to receive the decision of the War Department before the sergeant's discharge. If serving at an ungarrisoned post, application for re-enlistment will be made by the sergeant to the Adjutant-General of the Army, through department headquarters. One of the duplicate re-enlistment papers will be forwarded to the Adjutant-General of the Army; the other will be filed at the sergeant's station, if a garrisoned post, or if not, at the headquarters of the department in which he is serving.

104. Sergeants of the post noncommissioned staff, though liable to discharge for inefficiency or misconduct, will not be reduced.

ARTICLE XVI.

Detached Soldiers.

105. Enlisted men detached from their companies will be provided with descriptive lists showing the pay due them, the condition of their clothing allowances, and all information necessary to the settlement of their accounts with the Government should they be discharged. When it can be avoided, the descriptive list will not be intrusted to the soldier, but to an officer or noncommissioned officer, under whose charge he may be serving, or it may be forwarded by mail. The immediate commanding officer will note upon the descriptive lists the date and result of the last vaccination of each soldier.

ARTICLE XVII.

Furloughs to Soldiers.

106. Furloughs in the prescribed form for periods of twenty days may be granted to enlisted men by commanding officers of posts, or by regimental commanders, if the companies to which they belong are under their control. A furlough will not be granted to a soldier about to be discharged.

107. Department commanders may grant furloughs to enlisted men, sergeants of the post noncommissioned staff excepted, for two months, and the Commanding General of the Army for four months, or they may extend to such periods furloughs already granted. For a longer period than four months the authority of the Secretary of War is necessary. Permission to delay

may be granted to enlisted men traveling under orders as authorized for furloughs. The conditions under which furloughs to soldiers on re-enlistment are authorized will be announced from time to time in orders.

108. Furloughs to sergeants of the post noncommissioned staff, or to enlisted men acting as such, may be granted as follows: By a post commander for seven days in case of emergency only; by a department commander for one month. Application for furlough for a longer period will be forwarded to the Adjutant-General of the Army for the decision of the Secretary of War.

109. Furloughs will not be granted by commanding officers permitting soldiers to go beyond the limits of the next higher command. To enable them to pass such limits the sanction of higher authority must be obtained and indorsed on the furloughs. The approval of the Secretary of War must be obtained to allow an enlisted man on furlough to leave the United States. The limits prescribed will be stated in the furlough, and if exceeded, it may be revoked and the soldier arrested. A company commander in forwarding an application for furlough will state previous absences on furlough, and the authority therefor.

110. On the application of a soldier on furlough, made at the nearest military station and showing clearly the urgency of his case, a department commander may order transportation and subsistence to be furnished to enable him to rejoin his proper station, and the company commander will charge the cost thereof against the soldier's pay on the next muster and pay roll, in accordance with paragraphs 1082 and 1277. The date of the application will be entered on the furlough.

111. A soldier who has returned from furlough to the station from which furloughed, his company having in his absence changed station, is entitled to transportation at the expense of the Government to the new station of his company.

112. Soldiers on furlough will not take with them their arms or accoutrements, and no payments will be made to them without authority from the Secretary of War.

ARTICLE XVIII.

TRANSFER OF ENLISTED MEN.

113. Transfers of enlisted men will be made for cogent reasons only. They will be effected as follows:

1. From one company to another of the same regiment, not involving change of station, by the colonel. In cases involving change, then by the colonel with the consent of the department commander if change of station is within department limits.
2. From one regiment to another, and between companies of the same regiment serving in different military departments, by the Commanding General of the Army.
3. In all other cases, by the Secretary of War.

114. A transfer will take effect on the receipt of the order at the post where the soldier is serving, and a descriptive list containing the date of transfer will be forwarded to the commanding officer of the company or detachment to which the soldier is transferred.

ARTICLE XIX.

DESERTERS.

115. When a soldier deserts, a board of survey will be called to ascertain whether he has lost or abstracted any articles of Government property, and if so, to determine the money value of the same. The value of the articles thus found to be missing will be charged against the deserter on the next muster and pay-roll of his company, which will be accompanied by a copy of the board's report. A copy of so much of the proceedings as relates to the property charged on any roll will accompany the return to which the property pertains. The board will also fully investigate the circumstances attending desertion, especially the causes which induced it, and make a separate report in each case of its investigation and conclusions thereon, which will be transmitted to department headquarters through intermediate channels.

116. Department commanders will carefully consider the special reports made in accordance with the foregoing paragraph, and on or before the 1st of August of each year, forward to the Adjutant-General of the Army reports of the desertions which have occurred within their commands during the preceding fiscal year, with an expression of their views as to the causes of the same and the measures which should be taken to prevent their recurrence. Commanders of posts and officers in charge of recruiting stations will take prompt action to arrest all deserters amenable to trial and punishment.

117. Deserters received at recruiting stations, if physically fit for service, will be sent at once to such military post as the commander of the department in which the arrest or delivery is made may designate, provided, however, that recruit deserters and deserters physically disqualified for service will be held at the recruiting stations, and direct telegraphic report made to the Adjutant-General of the Army with request for instructions. The necessary transportation will be furnished by the Quartermaster's Department.

118. Soldiers deserting from and deserters received at a post other than the station of the companies or detachments to which they belong will be reported by the commanding officer of such post to the commanding officers of their companies or detachments.

119. When a report is received of the apprehension or surrender of a deserter at a post other than the station of his company, his company commander will immediately forward his descriptive list and account of pay and clothing to the officer making the report.

120. When a deserter surrenders or is delivered at a military post the post commander will cause immediate inquiry to be made in regard to dates of enlistment and desertion, and if these indicate that trial is barred by law, and the deserter claims to have been within the limits of the United States during two years of his absence in desertion and there is no attainable evidence in disproof thereof, will require him to file an affidavit asserting his claim, will immediately set him at liberty with instructions to apply by letter to the Adjutant-General of the Army for a "deserter's release," and will then report his action to the Adjutant-General of the Army, transmitting with the report the affidavit above mentioned.

121. An enlisted man apprehended or surrendering as a deserter, and whose trial for desertion is not barred by the statute of limitations, will be examined by a medical officer at the post where he is received, and a report of this examination will be forwarded to department headquarters. If, on account of disease, age, or other permanent disability, the man is found unfit for service, the report, with the department commander's recommendation thereon, will be forwarded to the Adjutant-General of the Army. If the examination shows that the man is fit for service, the department commander will bring him to trial, or restore him to duty without trial, as the interests of the Government may dictate.

122. Whenever a desertion occurs at a post, the commanding officer will cause a number of descriptive lists of the deserter to be prepared on the special form prescribed. Copies of this list will be sent at once to such marshals, sheriffs, and police officers as the commanding officer may deem proper; also to the officer in charge of any recruiting station at or near the deserter's place of enlistment, who will distribute them to the best advantage among civil officers in that vicinity authorized by existing law to summarily arrest deserters from the Army.

123. A post commander will promptly notify the surgeon of every desertion from his command, giving the full name, company, and regiment of the deserter, with dates of enlistment and desertion, and the surgeon will at once report the case to the Surgeon-General direct. When there is no surgeon on duty at the post, the post commander will make the report to the Surgeon-General. Blanks for this purpose will be furnished by the Medical Department.

124. A reward of $10 will be paid to any civil officer having the proper authority for the apprehension and delivery to the proper military authorities at a military station (or at some convenient point as near thereto as can be agreed upon) of any deserter from the military service, except such as can claim exemption from trial under the statute of limitations. This reward will be paid by the Quartermaster's Department and will be in full satisfaction of all expenses for arresting, keeping, and delivering the deserter. The payment will be reported to the commander of the company or detachment to which the deserter belongs.

125. When enlisted men are sent in pursuit of a deserter, the expenses necessarily incurred will be paid whether he be apprehended or not, and will be reported as in payment of rewards. Should a written order be issued for this duty and a transportation request be furnished the party in pursuit, the name, rank, company, and regiment of the deserter will be stated in the order and also noted on the request.

126. Rewards or expenses paid for apprehending a deserter, and the expenses incurred in transporting him from point of apprehension, delivery, or surrender to the station of his company or detachment, or to the place of his trial, including the cost of transportation of the guard, will be set against his pay upon conviction of desertion by a court-martial, or upon his restoration to duty without trial. A soldier convicted by a court-martial of absence without leave will be charged with the expense incurred in transporting him to his proper station. The transportation and subsistence of witnesses will not be charged against a deserter.

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127. If a soldier be brought to trial under a charge of desertion and acquitted, or convicted of absence without leave only, or if the sentence be disapproved by proper authority, any amount paid as a reward for his arrest will not be stopped against his pay unless, in case of conviction of absence without leave, the sentence of the court shall so direct.

128. A reward of $10 will be paid by the Quartermaster's Department for the capture and delivery at any military post of an escaped general prisoner. This amount will be in full for all expenses incurred in capture and delivery. The payment will be reported to the commanding officer of the post from which the prisoner escaped, and this officer will inform the Adjutant-General of the Army of the date of escape and the date and place of capture.

129. Deserters will be brought to trial with the least practicable delay. While awaiting trial they will receive no pay, and will be required to wear the clothes worn at the time of arrest, unless it should be imperative to issue other clothing, when, as far as practicable, only deserters' or other unserviceable clothing will be issued.

130. The clothing abandoned by a deserter will be turned over to the quartermaster with a certificate from the company or detachment commander showing its condition and the name of the deserter to whom it belonged. All other personal effects of a deserter will be disposed of as in the case of unclaimed effects of deceased soldiers.

131. A deserter will make good the time lost by desertion, unless discharged by competent authority. He will be considered again in service upon his return to military control; but if a deserter enlists while in desertion, his services under such unlawful enlistment will not be counted as making good any of the time lost by desertion.

132. A deserter will not be restored to duty without trial, except by authority competent to order his trial. Such restoration does not remove the charge of desertion, nor relieve the soldier from any of the forfeitures attached to that offense. He must make good the time lost by desertion, refund the reward and expenses paid for apprehension and delivery, and forfeit pay while absent.

133. An enlisted man who absents himself from his post or company without authority will forfeit all pay and allowances accruing during such absence, and upon conviction by court-martial make good the time lost. No man will be reported a deserter until after the expiration of ten days (should he remain away that length of time), unless the company commander has conclusive evidence of the absentee's intention not to return; but commanding officers will take steps to apprehend soldiers absent without leave as soon as that fact is reported. Should the soldier not return, or not be apprehended, within the time named, his desertion will date from the commencement of the unauthorized absence. An absence without leave of less than one day will not be noted upon the muster and pay rolls.

134. Soldiers not charged with crime, discovered to be deserters from the Navy or Marine Corps, will be dropped from the rolls of the Army. In such cases, reports with descriptive lists will be forwarded to the Adjutant-General of the Army by the proper commanding officer, who will hold the men in confinement without pay, awaiting instructions regarding their disposition. Deserters from the Navy will not be received at military posts.

ARTICLE XX.

RETIREMENT OF ENLISTED MEN.

125. When an enlisted man shall have served as such for thirty years, either in the Army or the Marine Corps and the Army, he may apply to the Adjutant-General of the Army for retirement. Upon the approval of the application an order will be issued from the Adjutant-General's Office transferring him to the retired list and directing that transportation in kind to his home and commutation of subsistence during necessary travel be given him. Length of war service (both enlisted and commissioned) with the Army in the field, or with the Navy or Marine Corps in active service (either as volunteer or regular) during the War of the Rebellion, will be doubled in computing the thirty years necessary to entitle him to be retired.

126. Upon receipt of the order for retirement, the soldier's immediate commanding officer will furnish him with final statements, closing his accounts of pay, deposits, and all allowances other than those of travel, as of the date of the receipt of the order; he will forward to the Adjutant-General of the Army a descriptive list (in duplicate), noting thereon the fact that final statements have been given, the re-enlistment or the continuous-service pay per month for which the soldier was last mustered, and his post-office address for the next thirty days. The descriptive list will bear the soldier's signature, or, if he can not write, a statement to that effect. The final statements and descriptive lists must state the date to which subsistence has been furnished, also whether subsistence while traveling home has been furnished, and, if so, for what dates. A discharge certificate will not be given, but the soldier will be dropped from the rolls of his command with appropriate explanatory remarks. The Pay Department will be notified and furnished with the soldier's signature, as in case of discharge.

127. On the last day of every calendar month each retired enlisted man will report to the Adjutant-General of the Army his post-office address. Blank forms for personal reports and pay accounts, with official penalty envelopes, will be furnished retired enlisted men upon application to the Adjutant-General of the Army.

128. The authorized pay and allowances of retired enlisted men will be paid them monthly by the Pay Department. Their pay will be three-fourths of the monthly pay allowed them by law in the grade held when retired, including re-enlisted and continuous-service pay then received. No deduction will be made except the monthly tax of 12½ cents for support of the Soldiers' Home. They are not entitled to commutation for fuel or quarters, but will receive commutation for subsistence and clothing as follows:

For subsistence.—At the rate of 22½ cents per day.

For clothing.—Three-fourths of the average annual allowance prescribed in orders for an entire enlistment in the grade from which retired, one-twelfth of such amount to be paid monthly. The allowance of clothing to chief musicians is the same as that to quartermaster-sergeants.

129. The Adjutant-General of the Army will furnish a descriptive list to each enlisted man on the retired list, who will forward the same at the end of each calendar month, with pay accounts signed in duplicate, to such paymaster as the chief paymaster of the department in which the soldier

resides may designate. The paymaster will note the fact of payment on the descriptive list. If the soldier can not write, his mark should be witnessed by a commissioned officer, if practicable; otherwise by some well-known person, preferably the postmaster of his place of residence.

ARTICLE XXI.

DISCHARGES. CERTIFICATES OF DISABILITY.

DISCHARGES.

140. An enlisted man will not be discharged before the expiration of his term except:

1. By order of the President or Secretary of War.
2. By sentence of a general court-martial.
3. On certificate of disability, by direction of the commander of a territorial department or army in the field; but when the disability of a soldier is caused by disease contracted before enlistment, or by his own misconduct or bad habits, discharge will be ordered only by the Secretary of War.
4. In compliance with an order of one of the United States courts, or a justice or a judge thereof, on a writ of habeas corpus.

141. When an enlisted man is discharged, his company commander will furnish him with final statements in duplicate or a full statement in writing of the reasons why such final statements are not furnished. Final statements will not be furnished a soldier who has forfeited all pay and allowances and has no deposits nor detained pay due him. When the discharge is made on certificate of disability, the ascertained disability as recited in the certificate must be given in the final statements as the reason or cause for discharge.

142. When an enlisted man is discharged by expiration of service his discharge will take effect on the last day thereof; i. e., if enlisted on the second day of the month his term will expire on the first day of the same month in the last year of his term of enlistment.

143. Discharge certificates will not be made in duplicate. Upon satisfactory proof of the loss of a discharge, or of its destruction without the fault of the party entitled to it, the War Department may issue to such party a certificate of service, showing date of enlistment in and discharge from the Army and character given on discharge certificate. Discharge certificates must not be forwarded to the War Department in correspondence unless called for.

144. In time of peace, a soldier serving in the second year or first six months of the third year of his first enlistment may apply to the Adjutant-General of the Army through military channels, for the privilege of purchasing his discharge, but such application will not be entertained unless based on satisfactory reasons fully set forth by the applicant and verified by the officer forwarding the application, nor unless accompanied by a statement of the soldier's immediate commanding officer showing the condition of his accounts. If such application be granted, the purchase price will be entered on the final statements as an item due the United States. A soldier once discharged by purchase will not be granted that favor a second time. A soldier serving in a second or any other enlistment, but not receiving continuous service or re-enlisted pay, is not debarred from discharge by purchase.

The price of purchase in the first month of the second year will be $120, and will be $5 less in each succeeding month of the period during which purchase may be authorized.

145. Enlisted men who have served meritoriously twelve years or more, continuously or otherwise, will be classified as veteran soldiers. If it be for their material benefit, discharge may be granted them by the Secretary of War by way of favor as veterans. A soldier once discharged as a veteran will not be discharged again by way of favor.

146. Soldiers discharged as provided in paragraphs 144 and 145 will not receive travel allowances.

147. Transcripts from records of civil courts need not accompany applications for discharge of enlisted men sentenced to imprisonment by such courts. The official statement of the company commander to that effect is sufficient.

148. The cause of discharge and the soldier's age at its date will be stated in the body of the discharge certificate. His character will be accurately described at the bottom of the certificate, but if not sufficiently good to allow of his re-enlistment, that portion of the certificate relating to his character will be cut off. The words "Service honest and faithful," or "Service not honest and faithful," as the case may be, will be entered under "Remarks" in the military record on the back of the discharge certificate, and will also be noted on the final statements. The company commander will, before submitting the discharge certificate to the proper officer for signature, inform the soldier of the character he intends to give him. Should the soldier feel that injustice will be done him thereby he may at once apply for redress to the post commander, who will immediately convene a board of officers to determine the facts in the case, and will briefly note the finding of the board, if approved by him, on the discharge certificate. But in all cases where the company commander deems a soldier's services unfaithful, he should whenever practicable notify the soldier at least thirty days prior to discharge of the character which he intends to give, in order that the soldier may have ample opportunity to apply for and be heard before the board. In such cases the proceedings of the board. showing all the facts pertinent to the inquiry, with the views of the intermediate commanders indorsed thereon, will be transmitted for the consideration and action of the War Department. This board may be called upon the application of the post or company commander, and if by the former the department commander shall appoint it. The character given by the company commander, also the character found by the board, will be noted on the muster-roll. The officer who prepares the discharge will state thereon whether the man is married or unmarried, the number of his minor children, and, if discharged from a re-enlistment, the number thereof.

149. If a soldier be discharged while absent from his company, the date, place, and cause thereof will be reported to his company commander by the officer giving the discharge, and this report will be accompanied by a complete descriptive list.

150. In order to prevent payment on fraudulent discharge papers, the officer who prepares the final statements of a soldier will, shortly before his discharge, send to the paymaster to whom the soldier may wish to apply for payment, a notification in his own handwriting, stating therein the date of last payment to the soldier and his credits and debits, both in words and

figures. The officer will also send the soldier's signature, or will report that the soldier can not write his name. This notification will not be given to the soldier, but will be sent by mail, so as to reach the paymaster before the soldier can report for payment. The officer issuing the final statements will inform the discharged soldier, in writing, of the name and location of the paymaster to whom he shall apply for payment, and at the same time send the required notification to the designated paymaster.

151. Blank forms for discharge and final statements will be furnished by the Adjutant-General of the Army, and will be retained in the personal custody of company commanders; those for discharge will be of three classes: For honorable and for dishonorable discharge, and for discharge without honor. They will be used as follows:

1. The parchment discharge blank, for honorable discharge only, and the word "honorably" will be interlined in the old blanks when used.

2. The blank for dishonorable discharge, for such discharge alone.

3. The blank for discharge without honor, when a soldier is discharged:

(*a*) Without trial, on account of fraudulent enlistment.

(*b*) Without trial, on account of having become disqualified for service, physically or in character, through his own fault.

(*c*) On account of imprisonment under sentence of a civil court.

(*d*) On account of being, at the expiration of his term of enlistment, in confinement under the sentence of a general court-martial which does not provide for dishonorable discharge.

(*e*) With forfeiture of retained pay on the approved finding of a board that he has not served honestly and faithfully.

(*f*) When discharge without honor is specially ordered by the Secretary of War for any other reason.

152. A dishonorable discharge from the service is a complete expulsion from the Army, and covers all unexpired enlistments.

153. When transportation in kind is furnished a discharged soldier to enable him to reach a paymaster, the quartermaster will note on the final statements that "transportation in kind from ——— to ———" has been furnished, stating the cost when it can be ascertained by him. If transportation be furnished to a soldier discharged at the place of his enlistment, to enable him to reach a paymaster, the cost thereof, which will be ascertained and noted on the final statements, will be deducted.

CERTIFICATES OF DISABILITY.

154. When an enlisted man is permanently unfitted for military service because of wounds or disease, he should, if practicable, be discharged on certificate of disability before the expiration of the term of service in which the disability was incurred. Blank forms will be furnished by the Adjutant-General of the Army, and the directions thereon will be strictly complied with.

155. When physical disability does not appear to be permanent, was incurred in line of duty, and benefit may be expected from a change of climate, a report of the case will be forwarded for the action of the Commanding General of the Army. The soldier will not be transferred to another company. In cases likely to be benefited by treatment in the Army and Navy General Hospital at Hot Springs, Ark., the application required by the regulations for admission thereto will be made. A record of cases

transferred under the foregoing provisions, with a report of results, will be forwarded to the Surgeon-General at the end of each calendar year.

156. When an application for discharge is approved, the post or regimental commander will furnish to the surgeon by whom the certificate was given, or to the senior surgeon of the command to which the soldier was attached at the time of his discharge, a letter setting forth the full name and rank of the soldier, the company and regiment to which he belonged, the date of discharge, and the cause thereof as stated in the certificate. The surgeon, having made a true copy of the letter for the completion of his own records, will forward the original to the Surgeon-General direct.

157. When there is a probable case for pension, special care will be taken to state in the certificate the degree of disability, to describe particularly the disability, wound, or disease, the extent to which it deprives the soldier of the use of any limb or faculty, or affects his health, strength, activity, constitution, or capacity to labor.

ARTICLE XXII.

Deceased Soldiers.

158. When a soldier is killed in action, or dies at any post, hospital, or station, it shall be the duty of his immediate commander to secure his effects and to prepare the inventory required by the 126th Article of War, according to prescribed form. Duplicates of the inventory, with final statements, will be forwarded direct to the Adjutant-General of the Army.

159. Should the effects of a deceased soldier not be claimed within 30 days, they will be sold by a council of administration under the authority of the post commander, and the proceeds transferred to the commander of the company to which the deceased belonged, by whom they will be deposited with a paymaster to the credit of the United States. Duplicate receipts will be taken, one of which will be sent direct to the Adjutant-General of the Army and the other retained with the company records.

160. In all cases of sale by a council of administration, a detailed statement of the proceeds, duly certified by the council and commanding officer, will accompany the paymaster's receipt forwarded by the company commander to the Adjutant-General of the Army. The statement will be indorsed: "Report of the proceeds of the effects of ——— ———, late of company ——, ——— regiment of ———, who died at ———, the —— day of ———, ———."

161. The effects will be delivered, when called for, to the legal representatives of the deceased, and the receipts therefor forwarded to the Adjutant-General of the Army. Applications for arrears of pay and proceeds of sale of effects of deceased soldiers should be addressed to the Auditor for the War Department, Washington, D. C., who settles such accounts.

162. The remains of deceased soldiers will be decently inclosed in coffins and transported by the Quartermaster's Department to the nearest military post or national cemetery for burial, unless the commanding officer deem burial at the place of death to be proper, when a report of the fact will be made to the Adjutant-General of the Army. The expense of transporting the remains is payable from the appropriation for Army transportation; other expenses of burial are limited to $15 for noncommissioned officers and $10 for private soldiers.

ARTICLE XXIII.

WORKING PARTIES. EXTRA AND SPECIAL DUTY MEN.

163. Troops will not be employed in labors that interfere with their military duties except in cases of necessity.

164. Enlisted men detailed to perform specific services which remove them temporarily from the ordinary duty roster of the organization to which they belong will be reported on extra duty if receiving increased compensation therefor, otherwise, on special duty. They will not be placed on extra duty except as bakers or to perform the necessary routine services in the Quartermaster's and Subsistence Departments, without the sanction of the department commander, nor will they be employed on extra duty for labor in camp or garrison which can be properly performed by fatigue parties. Allotments of funds for payment of extra-duty men at department headquarters and depots under the control of department commanders will be made only with the approval of the Secretary of War. Duty of a military character must be performed without extra compensation.

165. Enlisted men detailed by name on extra duty under competent authority at constant labor for not less than ten days, are entitled to receive extra-duty pay at the following rates: For services as mechanics, artisans, and school teachers, 50 cents per day; as bakers, according to paragraph 306; as overseers, clerks, teamsters, laborers, and for all other extra-duty services, 35 cents per day.

166. The detail of a noncommissioned officer on extra duty other than that of overseer will not be made without the approval of the Secretary of War. A noncommissioned officer will not be detailed on any duty inconsistent with his rank and position in the military service.

167. Noncommissioned staff officers and enlisted men of the several staff departments will not be detailed on extra duty without authority from the Secretary of War. They are not entitled to extra-duty pay for services rendered in their respective departments.

168. Company artificers, farriers, blacksmiths, saddlers, and wagoners will not receive extra-duty pay unless detailed on extra duty in the Quartermaster's Department, wholly disconnected from their companies.

169. Soldiers on extra duty will be paid the extra rates of pay allowed by law for the duty performed, and for the exact number of days employed; and no greater number of men will be employed on extra duty at any time than can be paid the full legal rates for the time employed from the funds provided. Payments made in violation of the above rules will be charged against the officers who ordered the details.

170. Extra-duty men will attend the weekly and monthly inspections of their companies, and as many daily drills as practicable. Special-duty men, except noncommissioned officers in charge of barracks or stables, the cooks, and such clerks as are necessarily excused by commanding officers, will attend all drills and inspections.

171. Extra-duty men will be held to such hours of labor as may be expedient and necessary; but, except in case of urgent public necessity, as in military operations, eight hours will be considered a day's work. For all hours employed beyond that number, the soldier will receive additional com-

pensation—the extra hours being computed as fractions of a day of eight hours' duration.

172. Details of enlisted men for extra and special duty will be limited to actual necessities, which will be determined by post commanders in accordance with limits published in orders from the War Department. Allotments to posts of funds for extra-duty pay are made by department commanders from allotments made to departments for the purpose, and must not be exceeded without special authority from department commanders.

ARTICLE XXIV.

SOLDIERS' HOME.

173. An honest and faithful service of twenty years in the Army entitles a soldier to admission to the Soldier's Home, Washington, D. C.

174. When a soldier, by reason of long service, or disability contracted in the line of duty, desires to enter the Soldiers' Home, his company commander will so report, through military channels, to the Adjutant-General of the Army, giving all the details necessary for a full understanding of the case, including the date of each enlistment, with company and regiment. If the soldier be physically disabled, the report will be accompanied by certificates of disability. The papers will be referred to the Board of Commissioners of the Home, and if, in its opinion, the soldier is entitled to become an inmate, the necessary authority will be given for his discharge at the place where he is serving. He may then proceed to Washington and report to the Board of Commissioners for admission to the Home.

175. Transportation to the Home will not be furnished except by authority of the Secretary of War, on the application of the Board of Commissioners; and in such cases the officers who pay the accounts will be guided by the regulations governing the payment of accounts for transportation of persons procuring artificial limbs, as prescribed in paragraphs 1467 to 1471, inclusive, except that the account will be referred to the Treasurer of the Soldiers' Home for repayment.

176. Commanding officers will not order the issue of clothing or subsistence to be repaid from the funds of the Home.

ARTICLE XXV.

MEDALS OF HONOR AND CERTIFICATES OF MERIT.

177. Medals of honor will be awarded by the President to officers and enlisted men who most distinguish themselves in action.

178. When any enlisted man of the Army shall have distinguished himself in the service, the President may grant him a certificate of merit, on the recommendation of the commanding officer of the regiment or chief of the corps to which such man belongs.

179. Recommendations for a certificate of merit must originate with an eyewitness, preferably the immediate commanding officer. Each case will be submitted separately, forwarded through the regular channels, and must be favorably indorsed by each commander.

180. Extra pay at the rate of $2 per month from the date of the distinguished service is allowed to each enlisted man to whom a certificate of merit is granted.

181. If the soldier be discharged before the certificate is issued, it will be retained in the Adjutant-General's Office until called for, when proof of the identity of the applicant will be required. Should he die before receiving his certificate, it will be deposited in the office of the Auditor for the War Department for the benefit of his heirs.

ARTICLE XXVI.

VETERINARY SURGEONS.

182. Veterinary surgeons are appointed by the Secretary of War, on the applications of regimental commanders, supported by requisite proofs of capacity and fitness.

183. A veterinary surgeon has the rank of sergeant-major, and is entitled to the same allowances in kind, of quarters, fuel and lights.

184. It shall be the duty of the veterinary surgeon to visit at least daily, all sick or injured animals at his station, and to recommend such treatment as he may deem proper. He will have access to the stables at all times. Upon request he will attend such authorized private horses of mounted officers as may need his services.

185. The veterinary surgeon will instruct company farriers in the proper care of the horse. In this he will give especial importance to the anatomy and pathology of the foot, showing the nature and uses of all its parts, illustrating the subject by dissections and specimens. He will also teach the principles and practice of horseshoeing. For the purpose indicated he will make such visits of instruction to companies of the regiment not at his station as may be deemed necessary by the regimental commander.

186. Wherever four or more troops of cavalry are stationed, a suitable building may be set apart as a veterinary hospital.

ARTICLE XXVII.

THE COMMANDING GENERAL OF THE ARMY.

187. The military establishment is under the orders of the Commanding General of the Army in that which pertains to its discipline and military control. The fiscal affairs of the Army are conducted by the Secretary of War, through the several staff departments.

188. All orders and instructions from the President or Secretary of War, relating to military operations or affecting the military control and discipline of the Army, will be promulgated through the Commanding General.

ARTICLE XXVIII.

TERRITORIAL DEPARTMENTS.

189. Territorial departments are established and their commanders assigned by direction of the President. In time of peace, army corps, divisions, or brigades will not be formed except for purposes of instruction.

190. The commander of a department commands all the military forces of the Government within its limits, whether of the line or staff, which are not specially excepted from his control by the War Department. The Infantry and Cavalry School at Fort Leavenworth, Kans., and the Cavalry

and Light Artillery School at Fort Riley, Kans., in matters pertaining to the courses of instruction; the Military Academy; the Artillery School; the engineer establishment at Willets Point; the arsenals; the general depots of supply; the general service recruiting stations; such permanent fortifications as may be in process of construction or repair, and officers employed on special duty under the Secretary of War, are exempted from the supervision of department commanders. But when an emergency demands it, all military men and material within the limits of their jurisdiction come under their control.

191. Purchasing commissaries, officers on duty at general depots of supply, and others indicated in the preceding paragraph, whether reporting by letter to department commanders or not, are subject to their orders for court-martial or other duty in an emergency only; and officers on duty with the commands at Fort Leavenworth, Fort Monroe, and Fort Riley will not be detached without the orders of the Secretary of War or the Commanding General of the Army.

192. A department commander is charged with the administration of all the military affairs of his department, and the execution of all orders from higher authority. He will report to the Commanding General of the Army all matters relating to the general welfare of his command, including such change of station of troops as he may deem desirable, but will obtain the approval of the Commanding General of the Army before ordering the movement. If it be necessary to move troops to meet emergencies, such movements, and all the circumstances will be reported at the earliest possible moment.

193. Each department commander will inspect the troops under his command at least once each year, and for this purpose he may be accompanied by one officer of his personal or the department staff. He will assure himself by personal examination and observation that all officers and men under his control are efficient in the performance of duty, that the troops are thoroughly drilled and instructed in their field duties and tactical exercises, that supplies are properly distributed, that proper care is exercised in the purchase and preservation of public property, and that strict economy is exercised in all public expenditures. In his annual report the results of these inspections will be summarized. From time to time he will report, for the information of the Commanding General of the Army and the Secretary of War, the names of any and all officers belonging to his command who are believed to be incompetent or permanently unable, from any cause, to perform all the duties of their several grades, both in garrison and in active service; he will also report any errors, irregularities, or abuses requiring the action of higher authority.

194. Department commanders are expected to determine controversies arising within the limits of their jurisdiction and decide questions referred to them on appeal.

195. Although a department commander may continue to discharge the more important functions of his command while beyond its territorial limits, his absence therefrom requires the sanction of the Secretary of War, and if intending to leave his headquarters for an absence within his department, he will report to the Adjutant-General of the Army his intention, the duration of, and his address during, his proposed absence.

196. The personal staff of a department commander will consist of the authorized aids. The department staff will be limited to the officers detailed by the Secretary of War from appropriate staff departments or corps, or of officers of the line detailed by the same authority to act in their stead, and their official designations will be as follows: Adjutant-general, chief quartermaster, chief commissary, chief surgeon, chief paymaster, judge-advocate, and artillery inspector, the last appointed as prescribed in paragraph 350; also, when necessary, an engineer officer, an ordnance officer, and a signal officer, each detailed from his corps; but when any of these officers are not assigned, or when any department staff officer is temporarily absent or disabled, the duties of his position will be performed by other members of the department or personal staff. The chief quartermaster and chief commissary will each have charge of the depot of his department, at the place where headquarters are located, and will, when practicable, make purchases. The chief surgeon will, when practicable, perform the duty of attending surgeon. The chief paymaster will make a proportion of the payments in the command. The duties prescribed in Small Arms Firing Regulations for the inspector of small-arms practice will be performed by an aid or by the adjutant-general.

197. Funds for contingent expenses at department headquarters are allotted by the Secretary of War and placed to the credit of the adjutants-general. The amount allotted will be apportioned by the department commander to the officers of the staff corps serving at his headquarters as the interests of the service dictate, and the adjutant-general will make purchases and expenditures as those officers request, subject to the written approval of the department commander. Property so purchased will be taken up on the return of the adjutant-general and transferred to the staff officers concerned, who will give duplicate receipts therefor, and it will then be dropped from the return of the adjutant-general, who will file one set of receipts as retained vouchers and send the other to the respective chiefs of bureaus in which the staff officers are serving. On June 30 of each year all officers who have purchased or receipted for such property will make return therefor to the chiefs of their respective bureaus, to whose satisfaction expenditures, losses, etc., will be explained. An officer accountable for such property will take duplicate receipts therefor when relieved, and will forward one of them to the proper chief of bureau with the return which he will then render, and file the other with his retained papers.

ARTICLE XXIX.

Military Posts and Reservations.

POSTS.

198. Permanent military posts are established under the direction of the Secretary of War, by whom their names will be designated.

199. Permanent posts will be styled "Forts," and points occupied temporarily by troops, "Camps."

200. The commander of a post is responsible for its safety and defense, and for the discipline, drill, and tactical instruction of his command, to which ends all other garrison duties will be made subservient. He will be responsible for the preservation and proper application of public property, for the strict enforcement of laws and regulations, and for the proper con-

dition of quarters and defenses. He will make an inspection of his command on the last day of every month, will satisfy himself by frequent personal examination that the disbursements of all officers in charge of funds are in accordance with law and regulations and their accounts correctly stated, and will make such reports of these inspections and examinations as the department commander may direct.

201. The post commander and surgeon will make frequent visits during the month to the hospital, guard-house, mess hall, and other buildings and rooms used by enlisted men.

202. An orderly observance of the Sabbath by the officers and men in the military service is enjoined. Military duty and labor on Sunday will be reduced to the measure of strict necessity.

203. The staff of a post commander will consist of such staff officers as are on duty at the post, and such line officers as may be required for staff duties. Their official designations will be as follows: Adjutant, quartermaster, commissary, surgeon, assistant surgeon, engineer officer, ordnance officer, and signal officer.

204. Expenditures of labor, money, or material upon posts will be strictly limited to the amounts allowed by law and regulations.

205. When practicable, temporary buildings for the use of the Army will be erected by its enlisted force, and necessary repairs of public buildings at garrisoned posts not appropriated for or specially authorized will be made by the troops.

206. In case of emergency when reference to higher authority is impracticable, department commanders may order the purchase of material and engagement of services necessary for the preservation of public buildings or property, not to exceed in amount $500 for any post, but no greater sum will be expended without the sanction of the Secretary of War.

207. Post commanders are authorized to assist mail contractors with Government transportation, provided it can be spared without detriment to the service, when, through accident or unavoidable casualty, they are deprived of the means necessary to fulfill their contracts. Such assistance must cease as soon as the contractor can, by exercise of proper diligence, resupply himself with transportation. Receipts for the property loaned will be taken, which in the event of its loss or damage will be forwarded, with a report of facts. to the Adjutant-General of the Army, that the amount involved may be collected from the contractor through the Post-Office Department.

208. At posts supplied with ordnance and with ammunition for the purpose, a morning and evening gun will be fired daily at reveille and retreat.

Post Records.

209. The following books of record will be kept at each post: An order book, a letters-received book, an index book for letters received, a letters-sent book, an index book for letters sent, a post council of administration book, furnished by the Quartermaster's Department; a morning report book, and a guard report book, furnished by the Adjutant-General of the Army; a post exchange council book, provided by the post exchange. All copies of all returns and reports rendered, if not contained in the book of orders received, letters sent, all letters received which are not required to

be returned; in fine, all official papers which relate to post administration, and which are required to be kept at the post, will be filed and preserved as a part of the post records. The records will not be removed from the post except on its discontinuance. Commanding officers will see that the records are accurately kept and are properly transferred to their successors.

RESERVATIONS.

210. Department commanders will supervise all military reservations within the limits of their commands, and if necessary, will use force to remove trespassers. No license or permission to any civilian to use or occupy any part of a reservation will be given, except by the Secretary or War, unless he be in the employ of the Government, or in the family or service of persons there employed.

211. Military posts temporarily evacuated by troops, and lands reserved for military use, will be under charge of the Quartermaster's Department. Permanent works of defense, however, and the lands appurtenant thereto, are under the supervision of the Engineer Department.

ARTICLE XXX.

FLAGS, COLORS, STANDARDS, AND GUIDONS.

FLAGS.

212. The flag of the United States has thirteen horizontal stripes, seven red and six white, the red and white stripes alternating, and the union of the flag consists of white stars in a blue field placed in the upper quarter next the staff, and extending to the lower edge of the fourth red stripe from the top. The number of stars is the same as the number of States in the Union. On the admission of a State into the Union, one star will be added to the union of the flag, and such addition will take effect on the 4th day of July next succeeding such admission.

213. The garrison, post, and storm flags are national flags, and will be of bunting. The union of each is as described in the preceding paragraph and one-third the length of the flag.

The garrison flag will have 36 feet fly and 20 feet hoist; it will be furnished only to posts designated from Headquarters of the Army, and will be hoisted only on holidays and important occasions.

The post flag will have 20 feet fly and 10 feet hoist; it will be furnished for all garrisoned posts and will be hoisted in pleasant weather.

The storm flag will have 8 feet fly and 4 feet 2 inches hoist; it will be furnished for all occupied posts and national cemeteries, and will be hoisted in stormy or windy weather; it will also be used as a recruiting flag.

214. Hospital and ambulance flags: For general hospitals, white bunting, 9 by 5 feet, with a red cross of bunting 4 feet high and 4 feet wide in the center; arms of cross to be 16 inches wide.

For field hospitals, white bunting, 6 by 4 feet, with a red cross of bunting 3 feet high and 3 feet wide in the center; arms of cross to be 12 inches wide.

For ambulances and guidons to mark the way to field hospitals, white bunting, 28 by 16 inches, with a red cross of bunting 12 inches high and 12 inches wide in the center; arms of cross to be 4 inches wide.

COLORS.

Battalion of Engineers.

215. The national color of stars and stripes, as described for flags, will be made of silk, 5 feet 6 inches fly, 4 feet 4 inches on the pike, which will be 9 feet long, including spearhead and ferrule. The union to be 2 feet 6 inches long, and "U. S. Engineers" embroidered in silver on the center stripe, stars embroidered in white silk, yellow silk knotted fringe, cord and tassels red and white silk. The battalion color will be of scarlet silk, same dimensions, having in the center a castle, with "U. S." above and "Engineers" below in silver, fringe white, cord and tassels red and white silk.

Artillery Regiments.

216. The national color will be of material and dimensions and with union, stars, and pike as prescribed in paragraph 215, having the number and name of regiment embroidered in yellow silk on the center stripe, fringe yellow, cord and tassels red and yellow. The regimental color will be of scarlet silk, same dimensions, bearing in the center two cannon crossed, with "U. S." above and number and name of regiment below, each in a scroll, the scrolls yellow, letters scarlet, fringe yellow, cord and tassels red and yellow.

Infantry Regiments.

217. The national color will be of material and dimensions and with union, stars, and pike as prescribed in paragraph 215, having the number and name of the regiment embroidered in white silk on the center stripe, fringe yellow, cord and tassels blue and white. The regimental color will be of blue silk, same dimensions, the coat of arms of the United States embroidered in silk on the center, beneath the eagle a red scroll, with number and name of regiment embroidered in white, fringe yellow cord and tassels blue and white.

STANDARDS FOR CAVALRY REGIMENTS.

218. The national standard of stars and stripes, as described for flags, will be made of silk, 4 feet fly and 3 feet on the lance, which will be 9 feet 6 inches long, including spear and ferrule. The union to be 22 inches long, and the number and name of regiment embroidered in yellow silk on the center stripe, fringe yellow. The regimental standard will be of yellow silk, same dimensions, the coat of arms of the United States embroidered in silk on the center, beneath the eagle a red scroll, with number and name of regiment embroidered in yellow, fringe yellow.

COLORS AND STANDARDS.

219. The silken national color or standard will be carried in battle, campaign and on all occasions of ceremony at regimental headquarters in which two or more companies of the regiment participate. The regimental color or standard will be carried in like cases in battle, campaign and at reviews and inspections; at ceremonies other than reviews, inspections and escort of the color, it will be carried only when so ordered by the regimental commander. A similar rule applies to the use of the colors of the Battalion of Engineers. When not in use as prescribed in this paragraph, colors and standards will be kept in their waterpoof cases.

SERVICE COLORS AND STANDARDS.

220. A national color made of bunting or other suitable material, but in all other respects similar to the silken national color, will be furnished to the Battalion of Engineers and to each regiment of artillery and infantry, for use at drills and on marches and all service other than battles, campaigns, and occasions of ceremony. A similar color of the same dimensions as the silken standard will be furnished for like purposes to each regiment of cavalry.

GUIDONS FOR CAVALRY.

221. Each troop of cavalry will have a silken guidon, cut swallow-tailed, 15 inches to the fork, 3 feet 5 inches fly from lance to end of swallowtail, and 2 feet 3 inches on the lance, having two horizontal stripes each one-half the width of the flag, the upper red and the lower white, the red stripe having on both sides in the center the number of the regiment in white silk, and the white stripe the letter of the troop in red silk, the letter and number block-shaped, 4¾ inches high, the lance 1¼ inches in diameter and 9 feet long, including spear and ferrule. Each troop will also have a service guidon made of bunting or other suitable material, in shape and design the same as the silken guidon; the latter will be used only in battle, campaign, or on occasions of ceremony.

GUIDONS FOR LIGHT ARTILLERY.

222. Each battery of light artillery will have a guidon of scarlet silk, dimensions and shape same as described for cavalry guidons, in the center on both sides of the guidon two cannon crossed, about 14½ inches in length, with number of regiment above and letter of battery below the crossed cannon, letter and number of yellow silk, letter and number block-shaped, 4½ inches high, lance same as for cavalry guidon. This silken guidon will be used only in battle, campaign, or on occasions of ceremony. Each battery will also have a service guidon of bunting or other suitable material, in shape and design the same as the silken guidon.

223. Whenever, in the opinion of a commanding officer, the condition of any silken color, standard, or guidon in the possession of his command has become unserviceable, a board of survey will be appointed to report for the information of the Secretary of War its condition and as to the necessity of supplying a new one. If requiring repair, application to have it placed in a serviceable condition should be made to the Quartermaster-General. Service colors and guidons will be submitted to the action of an inspector when unfit for further use. Upon receipt of new silken colors, standards, or guidons, commanding officers will cause those replaced to be suitably labeled and sent to the Adjutant-General of the Army for preservation.

224. The names of the battles in which one or more companies of a regiment or of the Battalion of Engineers have borne a meritorious part may be engraved upon silver rings, fastened on the pikes or lances of the colors or standards, and in cases where less than half the number of companies of the regiment or battalion were engaged, the company letters will follow the name of the battle. The names of battles in which light batteries or troops of cavalry have, when detached, been engaged separately, may be inscribed upon rings on the lances of their guidons. The lance of the service guidon

will not be thus marked. The fact that an action in which any organization has been engaged is entitled to be called a battle, and the name to be engraved on the rings, will be announced from the Adjutant-General's Office. Requisitions for new colors and guidons will be accompanied by lists of battles.

CAMP COLORS.

225. To be as described for flags, printed upon bunting, 18 by 20 inches, on a pole of ash 8 feet long and 1½ inches in diameter, the butt end armed with a pointed ferrule.

ARTICLE XXXI.

REGIMENTS.

ORGANIZATION AND INSTRUCTION.

226. The regiment is the administrative unit; for purposes of discipline and instruction, it will be divided into battalions, each containing two or more companies. The command of a regiment devolves upon the senior officer on duty with it, wherever he may be stationed. Each battalion is commanded by the senior officer on duty therewith. Whenever portions of different regiments are serving together, the commanding officer may designate the battalions.

227. The designation "company," as used in these regulations, applies to troops of cavalry, batteries of artillery, light or foot, and companies of infantry.

228. Upon the organization of a regiment, its companies receive permanent designation by letters in alphabetical order, and officers are assigned to them in order as lettered, according to rank. Subsequently officers, upon promotion or appointment, are assigned to fill vacancies regardless of relative rank.

229. A regimental commander should continually labor for the instruction and efficiency of his regiment. He should encourage among his officers harmonious relations and a friendly spirit of emulation in the performance of duty. His timely interference to prevent disputes, his advice to the inexperienced, and immediate censure of any conduct liable to produce dissension in the regiment or to reflect discredit upon it, are of great importance in securing and maintaining its efficiency. In such efforts he will receive the loyal support of his subordinates. He will make an inspection of his immediate command on the last day of every month.

230. Each department commander will announce in orders annually the period of the year to be given to practical instruction in drill and other military exercises, prescribing their character and the time to be devoted thereto. He will also designate a period of four consecutive months in each year for theoretical instruction, imparted in lyceums or by lectures, recitations, or other methods, to be given twice each week during the period designated. Each regimental commander will supervise the instruction of the officers under his immediate command, and each post commander that of regimental officers of his command who are absent from the headquarters of their respective regiments. Each company commander is responsible for the practical and theoretical instruction of his noncommissioned officers. These duties will be so performed as not to interfere with proper rest and recreation.

231. Upon the last day of September and March of each year, commanding officers of companies will forward to their regimental commanders reports showing the character and scope of instruction imparted during the previous six months, the number and kind of drills, and number of recitations with average attendance thereon. Regimental commanders will forward abstracts of these reports through military channels to the Adjutant-General of the Army for the information of the Commanding General.

232. Regimental field officers are assigned by department commanders to the posts or stations where their services are most required, provided troops of their own regiments are stationed there. Lieutenant-colonels and majors on duty at posts are assigned to battalions by post commanders.

THE REGIMENTAL STAFF.

233. The staff of a regiment consists of the adjutant and quartermaster and they will be so designated. They will be appointed by the regimental commander, who will at once report his action to the Adjutant-General by telegraph; the appointment of the quartermaster is made subject to the approval of the Secretary of War. Each appointment will take effect the day on which it is made, and the officer appointed will be entitled to the pay pertaining thereto from the date when he assumes the duties under such appointment.

234. The adjutant or quartermaster may hold office for four years, including all periods of such service, and no longer. He will not be eligible for a second tour of such duty nor for appointment or reappointment to either position, except to serve an unexpired term of four years.

235. A regimental commander is restricted in his choice of staff officers to the lieutenants on duty with the regiment and who are not at a school of instruction nor with light batteries. Should he desire to appoint a lieutenant absent from the regiment, the lieutenant must join before the appointment can be made.

236. The adjutant, under the direction of the regimental commander, will have charge of the various rosters of service; he will make, publish, and verify all details, keep the records of the regiment, and perform such military duties with troops as are required by regulations. Through him the regimental commander communicates with the officers and men of his command.

237. The adjutant should be courteous to, and on friendly terms with, the officers of the command he represents, and will avoid all discussions of the orders or military conduct of his superiors. He should inform himself upon all points of military usage and etiquette, and, on proper occasions, aid with his advice and experience the subalterns of the regiment, especially those just entering the service. He will endeavor at all times to exert the influence belonging to his station in sustaining the reputation, discipline, and harmony of the regiment.

238. The adjutant and quartermaster are, under the regimental commander, responsible for the discipline and efficiency of the noncommissioned staff and band.

239. The quartermaster is responsible for all quartermaster's supplies of the regiment, and may be required to perform the duties of quartermaster and commissary of the post where he is stationed.

240. An officer of the regimental staff may be assigned to duty with a company, or to any staff duty which his regimental commander may impose.

241. The regimental commander appoints the noncommissioned staff, which consists of the sergeant-major and quartermaster-sergeant; also the regimental noncommissioned officers, consisting of the chief musician, and principal musicians or chief trumpeter and saddler-sergeant, according to arm, each of whom will be furnished with a warrant (his personal property), signed by the regimental commander and countersigned by the adjutant. The appointment takes effect the day on which it is made, and the warrant may be continued in force upon discharge and re-enlistment, if re-enlistment is made on the day following discharge, every such re-enlistment to be noted on the warrant by the regimental commander. Regimental noncommissioned staff officers and regimental noncommissioned officers may be reduced to the ranks by sentence of a court-martial or by order of the regimental commander.

242. The public property pertaining to the headquarters of the regiment will be marked "H. Q.," with arm and number of regiment; the equipments in possession of the noncommissioned staff, regimental noncommissioned officers and band will be marked "N. C. S.," "N. C.," and "Band," respectively, and with the arm and number of the regiment and of the man to whom the articles are issued.

REGIMENTAL RECORDS.

243. Regimental records will consist of an order book, a letters-received book, an index book for letters received, a letters-sent book, an index book for letters sent, and a regimental fund book, furnished by the Quartermaster's Department; a descriptive book, furnished by the Adjutant-General of the Army; all orders, circulars, and instructions from higher authority, copies of the monthly returns, muster rolls of the field, staff, and band, other regimental returns and reports, and all correspondence concerning the regiment or affecting its personnel.

244. All orders and circulars from the Headquarters of the Army, or of the corps, division, brigade, or territorial department in which the regiment may be serving, will be filed in book form and indexed as soon as received.

REGIMENTAL BANDS.

245. Each regimental band will consist of one sergeant and twenty privates, in addition to the chief musician, and principal musicians or chief trumpeter. The regimental commander will designate the company from which the sergeant is to be taken and the number of men of each company to serve with the band. Vacancies thus caused will not be filled. The number of men in and attached to the band will not exceed twenty-four.

246. Band musicians will be dropped from company muster rolls, but will be instructed as soldiers, and are liable to serve in the ranks on any occasion. They will be mustered with the regimental noncommissioned staff and be included in the aggregate on all regimental returns.

247. When a regiment occupies several stations the band will be kept at the headquarters, provided one or more companies be serving there. The field musicians of companies will not be separated therefrom.

248. Musical instruments, mentioned in paragraph 1201, extra parts therefor, and equipments for bands, will be furnished by the Quartermaster's Department. Musical instruments other than those above referred to may be purchased from available regimental funds. The quartermaster will be accountable for band instruments furnished by the Quartermaster's Department; the adjutant for those purchased from the regimental fund.

249. Regimental commanders will notify the Adjutant-General of the Army direct when field or band musicians are required.

250. Commanding officers will require bands to play national and patriotic airs on appropriate occasions.

ARTICLE XXXII.

Troops, Batteries and Companies.

OFFICERS AND NONCOMMISSIONED OFFICERS.

251. Captains, although eligible for appointment as aids, and liable to the temporary details of service, will not, except for urgent reasons, be detached from their companies.

252. The commanding officer of a company is responsible for its appearance, discipline, and efficiency; for the care and preservation of its equipment; for the proper performance of duties connected with its subsistence, pay, clothing, accounts, reports, and returns.

253. In the absence of its captain, the command of a company devolves upon the subaltern next in rank who is serving with it, unless otherwise specially directed.

254. In the absence of all the officers of a company, the post commander will assign an officer, preferably of the same regiment, to its command. If there be no officer available, the fact will be reported to the department commander.

255. Captains will require their lieutenants to assist in the performance of all company duties, including the keeping of records and the preparation of the necessary reports and returns.

256. Noncommissioned officers will be carefully selected and instructed, and always supported by company commanders in the proper performance of their duties. They will not be detailed for any duty nor permitted to engage in any occupation inconsistent with their rank and position. Officers will be cautious in reproving them in the presence or hearing of private soldiers.

257. Sergeants and corporals are appointed by regimental commanders, on the recommendation of their company commanders. To test the capacity of privates for the duties of noncommissioned officers, company commanders may appoint lance corporals, who will hold such appointments not to exceed three months, and will be obeyed and respected as corporals. The appointments, with the approval of the regimental or post commander, may be renewed for three months; but no company shall have more than one lance corporal at a time. Lance corporals holding renewed appointments are on the same footing regarding reduction as corporals. A lance corporal holding a first appointment will wear the uniform of a private, with a chevron having one bar of lace or braid; if holding a renewed appointment he will

wear the uniform of a corporal, except that the chevron will have but one bar of lace or braid.

258. The captain will select the first sergeant from the sergeants of his company, and may return him to the grade of sergeant without reference to higher authority.

259. Every noncommissioned officer will be furnished with a certificate or warrant of his rank, signed by the colonel and countersigned by the adjutant; but a separate warrant as first sergeant will not be given. A warrant issued to a noncommissioned officer is his personal property. Warrants need not be renewed in cases of re-enlistment in the same company, if re-enlistment is made the day following the day of discharge, but, upon request, may remain in force until vacated by promotion or reduction, each re-enlistment to be noted on the warrant by the company commander.

260. Appointments of sergeants and corporals will take effect on the day of appointment by the regimental commander, and of first sergeants, artificers, blacksmiths, farriers, saddlers, and wagoners on the day of appointment by the company commander; but in case of vacancy in a company in the field and absent from regimental headquarters, a company commander may make a temporary appointment of a sergeant or corporal, which, if approved by the regimental commander, will carry rank and pay from the date of such appointment.

261. A noncommissioned officer may be reduced to the ranks by sentence of a court-martial, or by the order of the regimental commander on the recommendation of the company commander. If reduced to the ranks by sentence of court-martial at a post not the headquarters of his regiment, the company commander will forward a transcript of the order to the regimental commander. The desertion of a noncommissioned officer vacates his position on the date of desertion.

262. Artificers are mechanics whose services are necessary for the public interest.

263. A soldier may, when necessary, be relieved from ordinary military duty to make, repair, or alter uniforms. The post council will fix the rates to be charged, which will not exceed the cost of doing such work at the clothing depot, and company commanders will cause to be deducted from the pay of enlisted men and turned over to the proper party the amount properly due therefor.

COMPANY BOOKS AND RECORDS.

264. The company records will consist of: A company order book, a book of letters received, an index of letters received, a book of letters sent, an index of letters sent, a company council book, supplied by the Quartermaster's Department; a sick report book, a company clothing book, a morning report book, a descriptive and deposit book, and a duty roster, supplied by the Adjutant-General; also for a company of cavalry or light artillery, a descriptive book of public animals, furnished by the Quartermaster's Department. A record of vaccinations will be entered in the descriptive and deposit book. The records will also contain orders and instructions received from higher authority, retained copies of the various rolls, reports, and returns required by regulations and existing orders, and all letters and correspondence affecting the personnel of the company. Copies of orders

entered by first sergeants in company order books will be attested by the adjutant.

265. The records of each company or detachment will contain full information respecting all quartermaster's supplies, showing list of articles, date of receipt, from whom received, and name of officer who signed memorandum receipt therefor; also an account of all articles turned in, expended, stolen, lost, or destroyed; and the company or detachment commander will quarterly and when relinquishing his command have a settlement with the quartermaster.

INTERIOR ECONOMY OF COMPANIES.

266. Company, band, and detachment commanders will make a complete inspection of their organizations under arms every Saturday. They will also make a daily inspection of the men's quarters and kitchens, giving particular attention to cleanliness and the proper preparation of food, and noting whether all lamps in use have been cleaned, filled, and made ready for lighting, before dark. No one will be excused from Saturday inspection except the guard and the sick in hospital. Cavalry and field artillery will habitually be inspected mounted.

267. The company commander will cause the enlisted men of the company to be numbered and divided into four squads, each under the charge of a noncommissioned officer. As far as practicable the men of each squad will be quartered together.

268. In quarters the name of each soldier will be attached to his bunk, arms will be kept in racks, bayonets in their scabbards. Accoutrements and sabers will be hung up by the belts.

269. Strict attention will be paid by company commanders to the cleanliness of the men and to the police of barracks or tents. The men will be required to bathe frequently. The hair will be kept short and the beard neatly trimmed. Soiled clothing will be kept in the barrack bag.

270. A thorough police of barracks will precede the Saturday inspection. The chiefs of squads will see that bunks and bedding are overhauled, floors, tables, and benches scoured, arms and accoutrements cleaned, and all articles of black leather polished.

271. Chiefs of squads will be held responsible for the cleanliness of their men. They will see that those who are to go on duty put their arms, accoutrements and clothing in the best order, and that such as have passes leave the post in proper dress.

272. Soldiers will wear uniform in camp or garrison, and will not be permitted to keep other clothing in their possession. When on fatigue they will wear suitable fatigue dress.

273. The articles borne upon the annual price list of clothing, published in orders, will be considered the uniform, and no deviation therefrom will be allowed.

274. Company commanders will see that all public property in the possession of enlisted men is kept in good order, and that missing or damaged articles are duly accounted for.

275. Company commanders are responsible for text-books issued for the use of their companies.

276. Enlisted men will not take their arms apart except by permission of a commissioned officer. The mutilation of any part by filing or otherwise, and attempts to beautify or change the finish, are prohibited. Pieces will be unloaded before being taken to quarters or tents and as soon as the men using them are relieved from duty unless otherwise ordered. The use of tompions in small arms is forbidden.

277. The use of any dressing or polishing material on leather accoutrements, equipments, or harness, except the preparations supplied by the Ordnance Department for that purpose, is forbidden.

278. Equipments will be fitted to the men under the direction of an officer; all other changes are prohibited.

279. Articles of public property issued to a company for its exclusive use will, when practicable, be marked with the letter of the company and number and arm of the regiment. Such articles issued to an enlisted man (arms and clothing excepted) will, as far as practicable, be marked with the number of the man, letter of the company, and number of the regiment. Haversacks and blanket bags will be uniformly marked on the outside as follows: Cavalry, crossed sabers; artillery, crossed cannons; infantry, crossed rifles; with letter of company above and number of regiment below the intersection; the special corps of the Army according to their respective devices. The design will be stenciled in black, the device five inches long, and letters and numbers in full-faced characters one inch high. The design will be placed above letters "U. S." on equipments, and the number of the soldier, in characters one inch high, will be placed at the bottom, near the lower edge of the blanket bag. The canteen will be marked with the letter of the company, number of the regiment, and number of the man.

MESSING AND COOKING.

280. In camp or barracks, where companies are not joined in a general mess, a company commander will supervise the cooking and messing of his men. He will see that his company is provided with at least two copies of the Manual for Army Cooks, and that suitable men in sufficient numbers are fully instructed in managing and cooking the ration in the field: also that necessary utensils in serviceable condition are always on hand, together with the field mess furniture for each man. At a post where all the companies are joined in a general mess, the post commander will see that the instruction above mentioned is given. At such a post a company commander will confine his supervision of the mess of his company to observation and to notifying the officer in charge in writing of anything requiring remedy. Should this officer fail to apply proper remedy, report may then be made to the post commander. A department commander will see that each company of his command has the necessary field practice each year.

281. Kitchens will be placed under the immediate charge of noncommissioned officers, who will be held responsible for their condition and for the proper use of rations. No one will be allowed to visit or remain in the kitchen except those who go there on duty, or are employed therein. The greatest care will be observed in cleaning and scouring cooking utensils.

282. Special regulations for soldiers' fare can not be made to suit each locality and circumstance. Personal care and judgment on the part of company officers are relied on to prevent waste or misuse. By due economy

some part of the ration can be saved and sold, and the proceeds applied to provide additional articles of diet.

283. The Manual for Army Cooks contains comprehensive instructions in cooking, which will be observed as far as practicable.

284. The food of prisoners will be sent to their places of confinement when practicable, but post commanders may arrange to send prisoners, under proper guard, to their messes.

285. Kitchen and table ware and mess furniture will be supplied by the Quartermaster's Department. Allowances will be announced in orders. Post commanders will enforce rigid economy in regard to such property. Articles broken, lost or damaged will be charged to individuals at fault. Such proportions of company allowances of fuel, illuminating supplies, brooms, and scrubbing brushes as may be necessary for the service of a general mess will be allotted by the post commander.

286. In the field the mess furniture of a soldier will be limited to one tin cup, knife, fork and spoon, and such device for individual cooking as may be furnished by the Ordnance Department.

ARTICLE XXXIII.

Councils of Administration.

287. Post, post exchange, company, and mess councils of administration are assembled to audit the bakery, exchange, company, and mess funds, respectively, to ascertain and examine the sources from which, and methods by which, they have accrued, and to recommend expenditures therefrom. Post councils are also called to deliberate upon and recommend action, within the limits allowed by regulations, upon such subjects affecting the welfare and economy of the post as commanding officers may submit to them.

288. On the last day of each quarter, and when necessary, the post, post exchange, and general mess councils will be convened by the post commander, and the company council by the company commander. The mess and exchange councils will also meet at the call of their presidents. The post council will consist of the three officers on duty at the post next in rank to the commander, or of as many as are available, if less than three. If only the commanding officer be present, he will act. The post exchange council will consist of three officers, viz, the officer in charge of the exchange and two company commanders detailed by roster, or when this is impracticable, the exchange council will be constituted as prescribed for the post council. The company council will consist of all officers present for duty with the company, and the mess council of the commanders of the several companies participating in the general mess.

289. The junior member of each council will record its proceedings in the appropriate book, and they will be signed by the president and recorder. Those of the post, exchange, and mess councils will be submitted to the post commander, who will sign his approval or objection in the council book. Should the post commander disapprove the proceedings, and the council, after reconsideration, adhere to its conclusions, a copy of the proceedings will be sent by the commanding officer to the department commander, whose decision thereon upon all questions not involving pecuniary responsibility will be final. Upon such questions appeal may be taken to the

Secretary of War. The final orders in each case will be entered in the council book. In the proceedings of company councils the post commander will decide disagreements.

290. The post council will fix laundry charges, prices charged by tradesmen for making and repairing uniforms of enlisted men, and when directed will submit regulations for the post school.

291. The commanding officer who approves the appropriations of a council, and in the matter of the company fund the company commander, will be held responsible for all expenditures not made in accordance with regulations.

292. In case of loss of regimental, bakery, exchange, company, or mess funds, the circumstances will be carefully investigated and reported by the post council, with recommendation as to responsibility, for the decision of the department commander. In case of appeal from his action the papers will be forwarded to the Adjutant-General of the Army for the decision of the War Department.

ARTICLE XXXIV.

Regimental, Bakery, Company and Mess Funds.

GENERAL PROVISIONS.

293. The purchase from regimental, bakery, company, or mess funds, of any article which can be obtained on requisition from a supply department is forbidden.

294. No projects by which money will accrue will be entered upon under color of military control without specific authority from the War Department.

REGIMENTAL FUND.

295. This fund consists of the gross amounts received on account of the band from post exchange profits, voluntary contributions, amounts retained for regimental use from proceeds of private engagements of the band and from sale of articles purchased. The adjutant will be the treasurer of the fund, and will disburse it under the direction of the regimental commander. A record of all receipts and expenditures and a complete list of property purchased will be kept in the regimental fund book.

BAKERY FUND.

296. The usual ration of bread is 18 ounces, but the weight of it may be increased within the limits of the flour ration, at the discretion of the commanding officer, upon the recommendation of the post council of administration. Such portion of the flour as the company commander deems necessary for food in other forms than bread—not exceeding two ounces per ration—may be drawn by the company. The remainder will be turned into the post bakery, and for each ration of flour thus turned in the company is entitled to one ration of bread or the price of one flour ration. Savings on the flour ration, ordinarily 33 per cent., will be disposed of by the post treasurer for the benefit of the troops; bread may be baked from it for sale to civilian employees and others connected with the military service at the post, and to post exchanges; the residue of the flour will be sold. At the end of every quarter the post council will make an equitable distribution of the money savings of the bakery, and this action when approved by the post commander

will be final. Surplus bread will be sold only by the bakery. When enlisted men or others entitled to rations are allowed to mess separately from companies or organizations, they will not, when flour is issued to them by the Subsistence Department, be required to turn it into the post bakery if they prefer the ration of flour to the ration of bread issued therefrom, but they will not be entitled to any share of the bakery profits. The savings of flour by troops in the field will be credited to the company fund.

297. The bakery fund will be under the supervision of the post council, and will be collected and held by the officer appointed by the post commander as post treasurer, who will also act as post librarian.

298. The post treasurer will open an account with the bakery fund and will make payments therefrom in pursuance of specific appropriations by the post council, approved by the post commander. The account will at all times be subject to the post commander's inspection.

299. When an officer is relieved from duty as post treasurer, his accounts will be audited by the post council.

COMPANY AND MESS FUNDS.

300. The company fund, which will consist of the gross amounts of money received from all sources, is received by the company commander and, with the concurrence of the company council, is disbursed by him solely for the benefit of the company. Articles of the established ration purchased with company funds will be purchased from the commissary, if practicable. The fund of the hospital, or of a detachment or band having a separate mess, is regarded as a company fund. Moneys accruing to the fund of a detachment of the Hospital Corps, together with the proceeds from the savings of the rations of the sick in hospital, belong to the hospital fund.

301. The company commander will keep an account of the company fund, which will be subject to inspection by the commander of the post and regiment and members of the company council.

302. Extra compensation may be paid to enlisted men from company or general mess funds as follows: From a company fund, 25 cents per day to the head cook; from a general mess fund, not exceeding $2.00 per day, to be apportioned by the mess council among the cooks and other necessary regular attendants. Of this $2.00 the mess council may allot to the mess steward (who may be a noncommissioned officer) a per diem of 50 cents, and in addition thereto a share of the remaining $1.50. The head cook of a company and such of the regular attendants of a general mess as the commanding officer may designate will be inspected and mustered in the kitchen or mess hall. They will be excused from the ordinary post duties, but will attend target practice when practicable.

303. An officer appointed by the post commander will, under his direction, conduct the general mess affairs, make necessary purchases, and have charge of the mess fund. Quarterly and when relieved he will submit to the mess council a statement of all business dealings and money transactions, with proper vouchers. Upon the call of the mess council, he will furnish information regarding the condition and management of the mess. A company on taking the field or withdrawing from a general mess will be entitled to a just share of the fund thereof, to be determined by the mess council, approved by the post commander.

ARTICLE XXXV.

Post Bakeries.

304. Bread will be baked in post bakeries when practicable. At all permanent posts a suitable building for the purpose, and the necessary utensils and furniture therefor, will be provided by the Quartermaster's Department. Such necessary fuel as can be saved from authorized issues to troops may be used in post bakeries. If more is needed it may be purchased from the quartermaster at contract price. The post treasurer, under the supervision of the commanding officer, will have charge of the bakery.

305. A competent enlisted man will be detailed as chief baker, and if necessary, one or more enlisted men as assistant bakers.

306. Extra pay to post bakers will be paid from the bakery fund, and the following daily rates are authorized: To the chief baker at a post of one company, 25 cents; two companies, 35 cents; three companies, 40 cents; four or more companies, 50 cents. To each necessary assistant, 10 cents less than the chief baker, when the chief baker's pay is 40 cents or less, and 15 cents less, when the chief baker's pay is 50 cents.

307. The expenses of the bakery will be restricted to the extra pay of the bakers, the purchase of articles necessary for making bread, and utensils not furnished by the supply departments. These expenses must be paid from the savings of the flour ration.

308. The chief baker will be inspected and mustered at the post bakery. He will be excused from ordinary post duties, but will attend target practice when practicable.

309. The baking of bread by companies at posts is expressly forbidden.

ARTICLE XXXVI.

Libraries, Reading Rooms, etc.

310. At each permanent post suitable rooms will be set apart for use as library, reading room, chapel and school. The Quartermaster-General will procure and forward to post libraries such newspapers and periodicals, and to post schools such schoolbooks, stationery and school material for the use of enlisted men as are authorized by the Secretary of War. Newspapers and periodicals will not be taken from the library; schoolbooks will not be taken from the schoolroom except for the proper use of those attending the post school. These books and periodicals are intended especially for the use of enlisted men. Books for post chapel services are not furnished by the Government; the chaplain is expected to obtain them through the voluntary contributions of those interested. The library and reading rooms may be used by officers in such manner as not to interfere with their use by enlisted men.

311. At any post where building material can be obtained without expense to the Government, and enlisted men desire to erect buildings by their own labor for use as post exchanges, gymnasiums, bowling alleys, and other places of amusement, the post commander is authorized to use the necessary teams and such tools, window sash, doors, and other material as may be on hand and can be spared.

312. In all cases of necessary removal, the articles supplied for use in bakeries, libraries, reading rooms, schools, and gymnasiums will be transported by the Quartermaster's Department.

313. The Quartermaster's Department will furnish fuel for heating libraries, reading rooms, schools, chapels, and gymnasiums as indicated in paragraph 1006.

ARTICLE XXXVII.

POST GARDENS.

314. Commanding officers of posts at or near which suitable public lands are available, will set aside for post gardens such ground as may be necessary for the production of vegetables for the command and will cause it to be cultivated by the garrison.

315. Seeds for post gardens may be procured from the commissary, or from dealers or producers in the vicinity of the post. Payment for such articles at cost prices will be made from post exchange funds, or pro rata from company and hospital funds.

316. Department commanders will give such instructions as may be necessary for carrying these regulations into effect and for the proper distribution of products of gardens among those entitled to them. Surplus products may be sold and the proceeds divided among the company funds of the garrison according to strength of companies.

ARTICLE XXXVIII.

POST SCHOOLS.

317. The instruction of enlisted men is a military duty. The post commander will detail an officer to conduct the post school. Instruction will be given by officers, assisted by teachers detailed from the enlisted men. Commanding officers are enjoined to personally aid and encourage those needing instruction, which will not be restricted to the elementary branches, but will extend to and include any subjects for which enlisted men under instruction may have an aptitude, or which they can pursue with advantage to themselves or to the service. In the absence of proper text-books instruction will be oral. Desks and other material needed in schoolrooms will be supplied by the quartermaster.

318. School terms, aggregating not less than four months in each year, will be designated by the department commander, and sessions will be held daily, Saturdays and Sundays excepted. At the beginning of each term, company commanders will furnish to the post commander a list of men needing or desiring instruction.

319. The number of teachers detailed from the enlisted men will not exceed one to every fifteen pupils or fraction of that number. If there be no enlisted men present suitable for such detail, the commanding officer will apply to the Adjutant-General of the Army for the number required. For Saturdays and Sundays and during vacation but one teacher at each post will be allowed extra-duty pay, and he will be required to care for the schoolbooks and property, and to teach the recruits and children. A schoolteacher is not entitled to extra-duty pay while absent on furlough or on pass exceeding twenty-four hours.

320. The adjutant-general of each department will, under the direction of its commander, have a general supervision of the post schools of the department. He will make, annually, to the Adjutant-General of the Army a full report of their condition and progress, setting forth specifically any case of failure or neglect on the part of a post commander to take proper interest in them or to facilitate their operation. This report will accompany the annual report of the department commander. Twice each year reports will be rendered by officers in charge of schools on the prescribed forms, through post commanders, to the adjutant-general of the department, who will forward a consolidation thereof with his annual report.

321. Officers of the Inspector-General's Department will examine into the system of instruction, advise post commanders of defects and suggest methods of improvement. They will endeavor to bring about uniformity in methods of management and instruction.

322. At posts where the number of children present will admit of it and where there are no convenient educational privileges, schools will be maintained at which the attendance of children of officers will be optional with parents and those of enlisted men compulsory. The sessions of children's schools will be during such hours of the day as commanding officers may direct.

323. The children of civilians living near a post may be permitted to attend the post school. In such cases the parents will, if able, pay a small compensation for the privilege and will supply the necessary books.

324. The officer in charge of the post school will regulate the character and methods of instruction and enforce necessary discipline. Enlisted men in attendance who misbehave will be duly reported to the post authorities. Harsh punishment will not be inflicted upon children; if not amenable to discipline, their conduct will be reported to the commanding officer, who will take the necessary action. For noncompliance with the rules of the school, children of officers may be deprived of its privileges.

ARTICLE XXXIX.

Post Exchanges

325. Post exchanges are established and maintained under special regulations prepared by the War Department, which will be published from time to time.

326. On June 30 and December 31 of each year the commanding officer of a post at which an exchange is conducted will submit to the Adjutant-General of the Army, through military channels, a detailed report of the operations and financial condition of the exchange, accompanied by such remarks touching its effect upon the welfare of his command as he may deem it necessary to make for the information of the Commanding General of the Army and the Secretary of War.

ARTICLE XL.

Care of Fortifications and Magazines.

327. No person will be permitted to walk upon any of the slopes of a fortification, excepting the ramps and glacis. If necessary to provide for

crossing them, it should be done by means of wooden steps or stairs. The occasional walking of persons on a parapet will do no harm provided the surface is not cut into paths.

328. Animals will not be permitted to graze upon the slopes, parapets, or ramparts, nor upon the glacis except within fenced limits which shall not approach within 30 feet of the crest of the glacis.

329. All grassed surfaces except the glacis will be frequently mowed. In cutting the grass upon small slopes a sickle will be used; in mowing the steep slopes the mower will stand on a light ladder resting against the slope.

330. Hay may be cut on the glacis, or if fenced, it may be used as a pasture; otherwise it will be treated like other slopes of the fortification. On all slopes dead sods will be replaced with fresh ones. Weeds will be eradicated. The burning of grass upon any portion of a fortification is prohibited. The formation of gullies in the parade, terreplein, and ramps, will be prevented, especially in slopes where grass is not well established.

331. Terrepleins, floors, pavements, and walks, when constructed of brick, masonry or concrete, will be preserved from injury with great care. They will be protected by planks whenever it is necessary to move guns or vehicles of any kind over them, and no heavy weight will be permitted to fall upon them.

332. Earth, sand or ashes will not be placed against woodwork. Wooden floors, platforms and bridges will be kept clean and exposed to a free circulation of air. Doors and windows of all storerooms, of unoccupied casemates, quarters and buildings will be opened several times a week for thorough ventilation.

333. The labor required by this article, as well as repairs requiring small disbursements, such as repainting exposed wood or iron work, can be performed by the garrison; but reports, estimates, and requisitions may be necessary to obtain materials.

334. The taking of photographic or other views of permanent works of defense will not be permitted.

335. Magazines will be opened for ventilation in dry weather only. The ventilators will be kept free. No shrubbery or trees will be permitted to screen the buildings from the sun.

336. Moisture in a magazine may be absorbed by chloride of lime placed in an open vessel. The use of quicklime is dangerous.

337. Canes, swords or other articles which might produce sparks will not be taken into a magazine, and no person will enter without first removing his shoes or putting on magazine slippers.

338. Barrels containing powder will be occasionally inspected and brushed to prevent insects from destroying the hoops. Carbolic acid may be used as a preventive. When necessary to prevent caking, barrels of powder will be rolled on boards outside the magazine. Should the powder be caked, great caution must be used in breaking the lumps. The grains must be separated, but not pulverized.

339. Under no circumstances will cartridge bags or projectiles be filled in a magazine.

340. Smoking or fire will not be allowed in the vicinity of a magazine. Should a fire accidentally occur near by, the ventilators and windows will be immediately closed and the building covered with paulins or blankets saturated with water. No attempt should be made to remove the contents.

341. Such articles as loaded shells, fuses, friction primers, water caps, rockets and fireworks will never be put in a magazine containing powder.

342. Shells will not be charged until there is occasion for firing them.

343. The instructions regarding the care and preservation of artillery material, contained in the authorized Manual of Heavy Artillery, will be observed by the commanding officer of each military post at which such material is used or stored.

ARTICLE XLI.

Light Artillery Instruction.

344. For purposes of instruction the lieutenants of the artillery regiments will be assigned for tours of duty not exceeding three years with the light batteries of their respective regiments. Transfers to and from light batteries will be made by the Commanding General of the Army after consideration of such recommendations as may be made by the regimental commanders, and will, as far as practicable, take effect on the 1st day of October. Regimental commanders will forward their recommendations in due season to the Adjutant-General of the Army. Details for light artillery instruction will, as a rule, be made from officers who are not on detached or special service.

345. Captains of light batteries will be assigned, with the approval of the Secretary of War, by the Commanding General of the Army, upon the recommendation of regimental commanders, whose recommendations will be based solely upon the special qualifications of officers for the command of the instruction batteries.

ARTICLE XLII.

Instruction in Torpedo Service.

346. The commanding officer of each cavalry, artillery, and infantry regiment may, on the 1st day of September of each year, nominate to the Commanding General of the Army one subaltern for detail at Willets Point, N. Y., for a course of instruction in torpedo service, commencing on the 1st day of December and ending on the 1st day of October following. The nominations thus made will be forwarded through the regular military channels.

347. The conditions governing the detail will be determined each year and announced in general orders from the Headquarters of the Army.

ARTICLE XLIII.

Artillery Practice.

348. At all posts with fixed batteries the position of every gun, mounted or to be mounted, will have its number, which will be placed on the gun when in position. The guns will be numbered in a regular series, commencing with the first gun on the left of the main entrance looking out.

Where there are platforms temporarily unoccupied by guns they will be included in the regular series of numbering. The pieces of other batteries will be numbered from right to left.

349. At all posts with fixed batteries a book will be kept, known as the Post Book of Artillery Record, in which, under the direction of the post commander, will be entered the number of each mounted gun, its caliber, weight, names of founder and inspector, and other marks, the description of its carriage, whence received, date of receipt at post, and the greatest field of fire of the gun in position. This book will be furnished by the Ordnance Department. Instructions for keeping it will be found in front pages.

350. The commanding general of each department within which are the headquarters of one or more regiments of artillery, with the approval of the Commanding General of the Army, will select a competent field officer of artillery, not a colonel, to be attached to the department staff, who will be designated the artillery inspector. He will perform such duties in connection with his arm as may be assigned to him by the department commander, make such inspections of the artillery troops and material in the department as may be ordered by the Secretary of War, and report thereon to the department commander.

351. The commanding officer of each post where there are fixed batteries bearing upon a channel, will call upon the Engineer Department for accurate charts showing the soundings within range of the guns. These charts will be elaborated as prescribed by instructions and general orders governing artillery practice.

352. The details of the methods of conducting the technical instruction of artillery troops, target practice with heavy and light artillery, and the artillery competitions will be prescribed in orders and instructions issuing from the Headquarters of the Army. Any deviation from the prescribed methods must be sanctioned by the department commander.

353. All officers of artillery will be encouraged to submit, through proper channels, suggestions and devices for improving prescribed methods. Changes affecting the authorized Manual of Heavy Artillery will be published in Artillery Memoranda from the Adjutant-General's Office.

354. The allowance of ammunition for the instruction of heavy and light artillery batteries and for practice with machine guns will be determined each year and announced in general orders from the Headquarters of the Army.

355. Targets and target material for artillery practice will be provided by the Ordnance Department. The Quartermaster's Department will furnish all necessary assistance in placing, removing and storing targets.

356. In addition to such reports as may be required by instructions and orders governing artillery practice, the commanding officer of a post or battery will forward for the information of the Chief of Ordnance, on forms supplied by the Ordnance Department, a report of each shot fired in practice, instruction, and active service.

ARTICLE XLIV.

SMALL-ARMS PRACTICE.

357. Small-arms practice will be conducted in accordance with the authorized firing regulations and orders from the War Department. The period selected for practice on the range will be announced annually by department commanders, who will also publish the results of the firing, and the names of qualified sharpshooters; all orders containing instructions to govern either preliminary methods or practice with the rifle, carbine, or revolver, will be issued from the Headquarters of the Army.

358. Reports as to the amount of instruction imparted and the degree of efficiency attained will be rendered only as required by the firing regulations for small arms, or by orders issued from the Headquarters of the Army. The necessary books and blanks will be supplied by the Ordnance Department.

359. The values of small-arms ammunition and of the component parts thereof will be published in general orders.

360. The aggregate allowance of ammunition for any company will be expended at such times during the year as the department commander may direct, or in the absence of specific directions, as the post and company commanders may determine. When not used in target practice, ammunition may, in the discretion of the post and company commanders, be expended in hunting.

361. Company commanders will keep a permanent record for each calendar year of the ammunition expended in target firing at each practice. Any expenditure in excess of authorized allowances will be charged to the officer accountable. Ammunition not expended at the end of the calendar year will be no longer available.

362. The Ordnance Department will provide the requisite targets, streamers and flags. The quartermaster will set up the targets, prepare the range and construct shelters for the markers. Flour for making paste for use in target practice will be issued by the commissary.

363. Where hunting for large game is practicable the men will be encouraged to hunt, and for this purpose company commanders may permit their men to purchase cartridges, if supply warrants it, such sales to be accounted for on returns of ordnance.

ARTICLE XLV.

ROSTER, DETACHMENTS AND DAILY SERVICE.

THE ROSTER.

364. A roster is a list of officers or men for duty, with a record of the duty performed by each. Generally, details for duty are made so that the one longest off is the first for detail. Details so made are said to be made by roster.

365. All details for service in garrison and in the field, except the authorized special and extra-duty details, will be by roster; but officers or enlisted men, when detailed, must serve, whether a roster be kept or not. Having performed the service, they may appeal to superior authority if they deem themselves aggrieved.

366. The duties performed by roster are of two classes. The first comprises, (1) outposts; (2) interior guards, including stable guards; (3) detachments to protect laborers on military works; (4) armed working parties on such works. The second comprises all other duties and fatigue, in or out of the garrison or camp.

367. The rosters are distinct for each class. Officers are named on them in the order of rank. Details are made in succession according to roster, beginning at the head.

368. Lieutenant-colonels and majors are on one roster, and may be detailed when the importance of the duty requires it. In the field their roster is kept at division and brigade headquarters. Captains form one roster and are exempt from ordinary fatigue duties. A captain commanding a battalion is exempt from detail, and duty falling to him passes. Lieutenants form one roster, and first and second lieutenants are entered alternately. Sergeants, corporals, musicians and privates form distinct rosters.

369. Officers, noncommissioned officers and privates take duties of the first class in the order stated in paragraph 366, viz, the first for detail takes the outposts, the next the interior guards, and so on. In those of the second class the senior officer takes the largest party. The party first for detail takes the service out of camp.

370. In making details by roster, an officer or enlisted man is each day charged with the number of days that he has remained present and available since the beginning of his last tour. Departures from this rule may be authorized by the commanding officer whenever a strict application would allow improper advantage or work hardship.

371. When an officer has been detailed and is not present or available at the hour of marching, the next after him takes the duty. When an outpost has passed the chain of sentinels, or an interior guard has reached its post, the officer whose tour it was can not take it unless so ordered by the commanding officer, but succeeds to the tour of the officer who has taken his.

372. Duties of the first class are credited on the roster when the guards or detachments have passed the chain of sentinels or an interior guard has reached its post; other duties, when the parties have entered upon their performance.

373. An officer or enlisted man on duty of the first class, or who is next for detail for such duty, is available, when relieved, for duty of the second class that has fallen to him during that time. Except in emergencies no duty will be required of the old officer of the day or the old guard until four hours after they have been relieved.

374. Soldiers march armed, and if necessary, fully equipped, on all duties of the first class.

375. In the cavalry, dismounted men and those whose horses are not fit for service are preferred for all dismounted details. Mounted men are never employed on such service if the number of dismounted men is sufficient.

376. In the field, every enlisted man of the cavalry detailed for dismounted service will, before he marches, take to the first sergeant of his troop his horse equipments and saddle, ready packed. In case of alarm the first sergeant sees that the horses of these men are equipped and led to the rendezvous.

377. Light batteries serving with other troops will perform their own guard, police, and fatigue duty, and officers and men will be exempt from detail for other duty of like character, except when in the judgment of the post commander the necessities of the service will not permit such exemption, in which case he will immediately report his action and the circumstances to the department commander.

DETACHMENTS.

378. As far as the exigencies of the service will permit, detachments for armed service will be formed by taking battalions, companies, platoons, or other subdivisions in turn, according to the roster.

379. Officers or enlisted men detailed for detached service while on other duty will be relieved from that duty if they can reach camp in time to march with the detachment.

380. When a detachment is to be formed from the different organizations of a command, the adjutant or adjutant-general forms its contingent, verifies the details and sends it to the place of assembly, or turns it over to the detachment commander.

381. When detachments meet, the command is regulated while they serve together as if they formed one command, but the senior officer can not prevent the commander of any detachment from moving when he thinks proper to execute the orders he has received.

382. On the return of a detachment its commander reports to the headquarters from which he received his orders.

DAILY SERVICE.

383. There should be daily at least two roll calls, viz, at reveille and retreat. Commanding officers may also order roll calls in special cases at such times as they deem necessary. The roll will be called on the company parade by the first sergeant, superintended by a commissioned officer. If companies are quartered together or in contiguous barracks, one officer may superintend the roll call of two or more of them, provided he can do so efficiently, commanding officers regulating the practice in this regard. Ordinarily there will not be any formation for roll call at tattoo, but the prescribed signal will be sounded, and fifteen minutes thereafter lights in squad rooms will be extinguished and all noises and loud talking will cease. Call to quarters will be sounded at 10.45 p. m. and taps at 11. At taps all lights not authorized by the commanding officer will be extinguished and the first sergeant or other noncommissioned officer, as the company commander may direct, will inspect each company and report to the officer of the day the names of all unauthorized absentees. Reveille roll call in garrison will not ordinarily take place earlier than 5.30 a. m. in summer, or 6.30 a. m. in winter. At retreat roll call the troops are brought to parade rest and so remain during the sounding of retreat.

384. Mess call will be sounded daily as follows: For breakfast, fifteen minutes after reveille roll call; for dinner, not earlier than 12 m. nor later than 12.15 p. m.; for supper, not earlier than 5 nor later than 6.30 p. m. Meals for enlisted men will be served promptly at the hours appointed and the duties of the post, as far as compatible with the requirements of

the service, will be so arranged that the enlisted men may be present. The men will be allowed at least twenty minutes for breakfast and supper and thirty minutes for dinner.

385. Except at the ceremony of parade, the result of a roll call will be reported after the companies have been dismissed, to the officer superintending the call, who will report the result to the commanding officer.

386. In camp and garrison the commanding officer fixes the hours for reports, issues and roll calls, and for the performance of stated duties and fatigues. In garrison, retreat will be at sunset. The signals will be sounded by the field musicians in accordance with authorized drill regulations.

387. After breakfast, and after stable duty in the cavalry, the tents or quarters and adjacent ground will be policed by the men of the companies and the guardhouse or guard tent by the prisoners or by members of the guard if there be no prisoners.

388. The morning reports of the companies, signed by the company commanders and first sergeants, will be handed to the adjutant before 8 o'clock in the morning and will be consolidated by him within the next hour. The consolidated report will be signed by the commanding officer and the adjutant.

ARTICLE XLVI.

Honors, Courtesies and Ceremonies.

HONORS.

389. The officers named below will be received with standards and colors dropping, officers and troops saluting, and the bands and field music playing, as follows: The President, the President's March; the General, the General's March; the Lieutenant-General or the Major-General Commanding the Army, trumpets sounding three flourishes or drums beating three ruffles; a major-general, two flourishes or two ruffles; a brigadier-general, one flourish or one ruffle.

390. To the Vice-President, the members of the Cabinet, the Chief Justice, the President of the Senate, the Speaker of the House of Representatives, American or foreign ambassadors, and governors within their respective States and Territories the same honors are paid as to the General; to the Assistant Secretary of War and to American or foreign envoys or ministers, the same honors as to the Lieutenant-General; to officers of the Navy the honors due to their assimilated or relative rank; to officers of marines and volunteers, and militia when in the service of the United States, the honors due to like grades in the regular service; to officers of a foreign service the honors due to their rank.

391. The national or regimental color or standard, uncased, passing a guard or other armed body will be saluted, the field music sounding "to the color" or "to the standard." Officers or enlisted men passing the uncased color will render the prescribed salute; with no arms in hand, the salute will be made by uncovering.

392. No honors are paid by troops when on the march or in trenches and no salute is rendered when marching in double time or at the trot or gallop.

393. The commanding officer is saluted by all commissioned officers in command of troops or detachments. Troops under arms will salute as prescribed in drill regulations.

394. All officers salute on meeting and in making or receiving official reports. Military courtesy requires the junior to salute first, but when the salute is introductory to a report made at a military ceremony or formation to the representative of a common superior—as for example, to the adjutant, officer of the day, etc.—the officer making the report, whatever his rank, will salute first; the officer to whom the report is made will acknowledge by saluting, that he has received and understood the report. When under arms the salute is made with the sword or saber if drawn; otherwise with the hand. A mounted officer dismounts before addressing a superior not mounted.

395. On official occasions, officers when indoors and under arms do not uncover, but salute with the sword if drawn; otherwise with the hand. If not under arms, they uncover and stand at attention, but do not salute except when making or receiving reports.

396. When an enlisted man without arms passes an officer he salutes with the hand farthest from the officer. If mounted, he salutes with the right hand. Officers are saluted whether in uniform or not.

397. An enlisted man, armed with the saber and out of ranks, salutes all officers with the saber if drawn; otherwise he salutes with the hand. If on foot and armed with a rifle or carbine, he makes the rifle or carbine salute. A mounted soldier dismounts before addressing an officer not mounted.

398. A noncommissioned officer or private in command of a detachment without arms salutes all officers with the hand, but if the detachment be on foot and armed with the rifle or carbine, he makes the rifle or carbine salute, and if armed with a saber, he salutes with it.

399. An enlisted man, if seated, rises on the approach of an officer, faces toward him and salutes. If standing, he faces the officer for the same purpose. If the parties remain in the same place or on the same ground, such compliments need not be repeated. Soldiers actually at work do not cease work to salute an officer unless addressed by him.

400. An enlisted man makes the prescribed salute with the weapon he is armed with, or if unarmed, whether covered or uncovered, with the hand, before addressing an officer. He also makes the same salute after receiving a reply.

401. Indoors, an unarmed enlisted man uncovers and stands at attention upon the approach of an officer; he does not salute unless he addresses or is addressed by the officer. If armed he salutes as heretofore prescribed, without uncovering.

402. When an officer enters a room where there are soldiers, the word "Attention" is given by some one who perceives him, when all rise and remain standing in the position of a soldier until the officer leaves the room. Soldiers at meals do not rise.

403. Soldiers at all times and in all situations pay the same compliments to officers of the Army, Navy, and Marines, to officers of volunteers and officers of the militia in the service of the United States, as to officers of their own regiments, corps or arm of service.

404. Officers will at all times acknowledge the courtesies of enlisted men by returning salutes given, in the manner prescribed in drill regulations. When several officers in company are saluted, all who are entitled to the salute return it.

SALUTES WITH CANNON.

405. Salutes will be fired between sunrise and sunset only, and, as a rule, not on Sunday. The national flag will always be displayed at the time of firing a salute.

406. The national salute is 21 guns. The salute to the Union, commemorative of the Declaration of Independence and consisting of one gun for each State, is fired at noon on July 4, at every post provided with artillery.

407. The President, both on his arrival at and departure from a military post, or when in its vicinity, receives a salute of 21 guns. No other personal salute is fired in his presence.

408. The Vice-President and President of the Senate receive a salute of 19 guns; members of the Cabinet, the Chief Justice, the Speaker of the House of Representatives, American or foreign ambassadors, a committee of Congress officially visiting a military post, and governors, within their respective States or Territories, receive 17 guns. The Assistant Secretary of War, when officially visiting a military post, receives 15 guns.

409. American or foreign envoys or ministers receive 15 guns; ministers resident accredited to the United States, 13 guns; chargés d'affaires, 11 guns; consuls-general accredited to the United States, 9 guns.

410. The sovereign or chief magistrate of a foreign country receives the salute prescribed for the President; members of a royal family receive the salute due to their sovereign.

411. The General receives a salute of 17 guns; the Lieutenant-General or Major-General Commanding the Army, 15 guns; a major-general, 13 guns, and a brigadier-general, 11 guns.

412. An officer assigned to duty according to his brevet rank is entitled to the salute prescribed for the grade to which he is assigned.

413. As a rule, a personal salute is fired when the personage entitled to it enters a post.

414. A general officer is saluted but once a year at each post when notice of his intention to visit it has been given. A retired general officer making an official visit is saluted according to his grade. When several persons, each of whom is entitled to a salute, arrive together at a post, the highest in rank or position is alone saluted. If they arrive successively, each is saluted in turn.

415. Officers of the Navy are saluted according to their relative rank; officers of marines and of the volunteer forces or militia in the service of the United States and officers of foreign services are saluted according to rank.

416. The salute to a national flag is 21 guns.

417. It is the custom of foreign ships of war, on entering a harbor or passing near a fortification, to hoist at the fore the flag of the country in whose waters they are, and to salute it. On the completion of the salute to the flag, a salute of the same number of guns will be promptly returned by the nearest fort or battery. If there be several forts or batteries in sight, or within 6 miles of each other, the saluting station will return the salute.

United States vessels return salutes to the flag in United States waters only when there is no fort or battery to do so. United States vessels do not salute United States forts or posts.

418. When a civil functionary entitled to a salute arrives at a military post the commanding officer meets or calls upon him as soon as practicable, and will tender him a review, if the garrison consists of not less than four companies. When a general officer visits a post within his command, the troops will be paraded for review, unless he directs otherwise. When a salute is to be given an officer junior to another present at a post, the senior will be notified to that effect by the commanding officer.

419. The flag of a military post will not be dipped by way of salute or compliment.

VISITS AND COURTESIES.

420. Officers arriving at the headquarters of a territorial department, military command, or at a military post, will call upon the commander thereof as soon as practicable and register their names. If the visiting officer be senior to the commander, the former may send a card, in which case it becomes the duty of the commander to make the first call.

421. The interchange of official compliments and visits between foreign military and naval officers and the authorities of a military post is international in character and opens the way to official and social courtesies among the officers. In cases of vessels of war, foreign or otherwise, recently arrived, it is the duty of the post commander to send a suitable officer to offer civilities and assistance. It is expected that this civility will be returned and that within twenty-four hours thereafter. weather permitting, the officer in chief command of the ship or ships will visit the officer in command of the post or station, should the latter be his equal or superior in grade. This visit will be returned within twenty-four hours. Should the naval officer in command be superior in grade to the officer commanding the post or station the first visit will be paid by the latter.

422. When a military commander officially visits a vessel of war, he will give notice in advance of his intention to do so. He is received at the gangway by the commander of the vessel and is accompanied there by the same officer when leaving. The officer who is sent with the customary offer of civilities is met at the gangway of a vessel of war by the officer of the deck, and is presented by the latter to the commander of the vessel.

423. A vessel of war is approached and boarded, by commissioned officers, by the starboard side and gangway. In entering a boat, the junior goes first and other officers follow in order of rank; in leaving a boat, the senior goes first. The latter acknowledges the salutes which are given at the gangway of a naval vessel.

424. Naval vessels fire personal salutes to officers entitled to them when the boats containing them have cleared the ship. It is an acknowledgment of the salute by the officer saluted for his boat to lie on her oars from the first until the last gun and for him to uncover; at the conclusion, to give way. Personal salutes are not returned by military posts.

425. In case of vessels of war of foreign powers at peace with the United States lying in our ports or harbors and celebrating their national festivities, the commander of each fort, battery, or military post may participate in the

celebration by firing salutes, parading commands, etc. In such a case the flag of the United States will be hoisted and lowered simultaneously with that of the ship on board of which the celebration occurs.

ESCORTS OF HONOR.

426. Escorts of honor may be composed of cavalry, artillery, or infantry, or of all arms, according to the circumstances. They are detailed for the purpose of receiving and escorting personages of high rank, civil or military, when they arrive and depart. The troops for this purpose will be selected for their soldierly appearance and superior discipline, and are formed and maneuvered as prescribed in the authorized drill regulations. The post commander in each case will detail an officer to attend the personage escorted, and bear communications from him to the commander of the escort.

FUNERAL HONORS.

427. On the receipt at any post or camp of official notice of the death of the President of the United States, the commanding officer will, on the following day, cause a gun to be fired every half hour, beginning at sunrise and ending at sunset. When posts are near each other the firing will take place only at the post commanded by the senior officer.

428. On the day of interment of a Secretary of War or the Commanding General of the Army a gun will be fired every half hour, beginning at sunrise, until the funeral procession moves.

429. The orders announcing the death of a general officer on the active or retired list, or other person entitled to a salute of cannon, will specify the number of guns to be fired at half-hour intervals, commencing at 8 o'clock a. m. on the day after the receipt of the order. During the firing the flag will be displayed at half-staff. The number of guns to which the deceased was entitled will be fired. The posts at which they shall be fired will be designated in the orders.

430. When the funeral of an officer, who was entitled to a salute, takes place at or near a military post, minute guns will be fired while the remains are being borne to the place of interment but the number of guns will not exceed that to which the officer was entitled as a salute. After the remains are deposited in the grave a salute corresponding to the rank of the deceased will be fired in addition to three salvos of artillery or three volleys of musketry.

431. If the remains of a flag officer of the Navy are brought ashore in the vicinity of a military post, the flag will be displayed at half-staff and minute guns will be fired as the procession moves. The number of guns will be that to which the officer was entitled as a salute.

432. During the funeral of a civil functionary who was entitled to a salute, the flag is displayed at half-staff and minute guns are fired.

433. On the death of an officer at a military post the flag is displayed at half-staff and so remains, between reveille and retreat, until the last salvo or volley is fired over the grave; or if the remains are not interred at the post, until they are removed therefrom.

434. During the funeral of an enlisted man at a military post the flag is displayed at half-staff. It is hoisted to the top after the final volley or gun is fired, or after the remains are taken from the post. The same honors are paid on the occasion of the funeral of a retired enlisted man.

435. All military posts in sight of each other display their flags at half-staff upon the occasion of one doing so. The same rule is observed toward all vessels of war.

436. When the flag is displayed at half-staff it is lowered to that position from the top of the staff. It is afterwards hoisted to the top before it is finally lowered.

437. The funeral escort of the Secretary of War or General of the Army will consist of a regiment of infantry, a squadron of cavalry, and two batteries of artillery: of the Lieutenant-General or the Major-General Commanding the Army, a regiment of infantry, a squadron of cavalry and a battery of artillery; of a major-general, a regiment of infantry, two troops of cavalry, and a battery of artillery; of a brigadier-general, a regiment of infantry, a troop of cavalry, and a platoon of artillery; of a colonel, a regiment; a lieutenant-colonel or major, a battalion or squadron; a captain, one company; a subaltern, a platoon. The funeral escort of a general officer, or of any other officer either on the active or retired list, when the funeral occurs at any other place than a military post or camp, will be ordered by the Commanding General of the Army with the approval of the Secretary of War, and will be composed of such bodies of troops, not exceeding the number prescribed in this paragraph, as the interests of the service will permit. But in all cases where the funeral ceremonies take place at or in the immediate vicinity of a military post, or where the remains are conveyed through a military post en route to the place of burial, the above regulation relative to escort will be complied with, so far as the strength of the garrison will allow; the flag will be at half-staff while the remains are at or in the immediate vicinity of the post and the department or post commander will give the necessary orders.

438. The funeral escort of an officer will be commanded by an officer of the same grade; if none such be present, by one of the next lower grade. The ceremony is prescribed in the drill regulations.

439. The funeral escort of a noncommissioned staff officer will consist of sixteen rank and file, commanded by a sergeant; of a sergeant, of fourteen rank and file, commanded by a sergeant; of a corporal, of twelve rank and file, commanded by a corporal; of a private, of eight rank and file, commanded by a corporal.

440. The funeral escorts of officers of field artillery will be as follows: Colonel, twelve pieces; lieutenant-colonel and major, eight pieces; captain, four pieces; lieutenant, two pieces. The escort of an enlisted man will consist of one piece. Caissons need not accompany the pieces.

441. Six pallbearers will be selected from the grade of the deceased, or from the next grade above or below.

442. Officers and enlisted men attending military funerals wear uniform and side arms and in the funeral procession follow the mourners in order of rank. The funeral of an officer is attended by such officers of the post or organization in the field as other duties will permit. The funeral of a noncommissioned officer is attended by the noncommissioned officers and privates of the regiment, or such part of it as may be present and can be spared from other duties; that of a private by the noncommissioned officers and privates of his company.

443. The badge of military mourning is a knot of black crape worn upon the sword hilt for a period not to exceed thirty days.

444. As family mourning, officers may wear a straight band of crape five inches wide around the left arm above the elbow.

445. The drums of a funeral escort will be covered with black crape or thin black serge, furnished by the quartermaster.

446. The colors of a regiment will not be placed in mourning or draped, except when ordered from the War Department. Two streamers of crape seven feet long and about twelve inches wide attached to the ferrule below the spearhead will be used.

447. Funeral honors will be paid to deceased officers without military command in accordance with their grade.

CEREMONIES.

448. All ceremonies will be conducted as prescribed in the authorized drill regulations.

449. There will be daily one parade, morning or evening, as the commanding officer may direct, which will not be dispensed with except on urgent occasions. All officers and men will be present unless specially excused or on duty incompatible with such attendance.

450. At every military post or station the flag will be hoisted at the sounding of the first note of the reveille, or of the first note of the march, if a march be played before the reveille. The flag will be lowered at the sounding of the last note of the retreat, and while the flag is being lowered the band will play The Star Spangled Banner.

451. Troops will be mustered for pay on the last day of each month unless otherwise ordered by the Secretary of War. When the commanding officer can not muster all the troops he will designate other officers to assist.

452. Each stated muster will, when practicable, be preceded by a minute and careful inspection. If the command consists of more than one company, the inspection will be preceded by a review. If the day for muster falls on Sunday, such review and inspection will be omitted.

ARTICLE XLVII.

GUARDS.

453. The authorized Manual of Guard Duty is the guide in all matters relating to duties of guards not contained in these regulations.

454. Articles of camp and garrison equipage needed for strictly post or police purposes, as flags, spades, shovels, axes, hatchets, pickaxes, and brooms, will be issued by the quartermaster on special requisition of the officer of the guard or officer of the day, approved by the post commander. These articles will be receipted for by the officer making the requisition and dropped from the quartermaster's returns; articles other than those herein enumerated will be continued on his returns.

455. Articles so obtained will be duly entered, by the officer who receives them, on the guard report under the heading "Articles in charge." They will be carried on the report and daily receipted for by the successive officers of the guard or day. When no longer fit for use they will be submitted for inspection, and, if condemned, disposed of as ordered.

456. An officer who receipts for property so carried on the guard report is not required to render returns thereof. He is relieved from accountability for it by the receipt of his successor.

ARTICLE XLVIII.

MAPS AND RECONNAISSANCES.

457. The commanding officer of every body of troops ordered to march will select a competent person, preferably a commissioned officer, to whom he will intrust the special duty of making the field notes and sketches and keeping the journals hereinafter mentioned, for the preparation of a map of the route traversed. The person so selected will be relieved of so much of his routine duties as will enable him to perform this duty. Daily or more frequently, the commanding officer will inspect and verify the notes and journal.

458. Journals of marches will be kept in notebooks and route reconnaissances will be recorded on blanks. The books and blanks will be furnished by the Engineer Department. If they can not be obtained they will be prepared according to standard forms as nearly as practicable.

459. Notebooks will be freely used and to guard against loss of valuable data, copies will be made, verified and retained, and the originals forwarded to department headquarters at every convenient opportunity. Whenever a sufficient halt is made, a map of the route up to that point, together with a report thereon, will be transmitted in the same manner. These notes will not be omitted when passing over known routes.

460. General instructions for the use and preservation of instruments, the character of the observations to be specially made and the methods of recording them will be found in printed notes in the book and on the form which the Engineer Department supplies.

461. Requisitions will be made upon the Engineer Department for the necessary instruments, notebooks, and reconnaissance blanks.

ARTICLE XLIX.

THE SERVICE SCHOOLS.

THE ARTILLERY SCHOOL.

462. The Artillery School at Fort Monroe, Va., constitutes an independent command, from which all reports and returns are made direct to the Headquarters of the Army. It is governed by special regulations.

The school will have the following organization:

1. The commandant of the school and post, the directors of instruction, instructors and assistant instructors, and such organizations, officers, and enlisted men as may be assigned for duty or instruction.

2. The staff of the school, which will consist of the commandant, the directors of instruction, and the commanding officer of the Fort Monroe Arsenal. The adjutant will be secretary of the staff.

463. The lieutenants of the instruction batteries will be relieved and replaced by others on September 1 of each alternate year. Transfers for this purpose will be made by the Commanding General of the Army, after consideration of such recommendations as may be made by regimental

commanders and forwarded in due season to the Adjutant-General of the Army. Details for instruction will, as a rule, be made from officers who have not served at the Artillery School, and who are not on detached or special service.

THE INFANTRY AND CAVALRY SCHOOL.

464. The Infantry and Cavalry School at Fort Leavenworth, Kans., is governed by special regulations, and will have the following organization:

1. Two or more field officers of infantry and one or more of cavalry, the senior of whom will command the school and post; the others will be instructors.

2. Such other officers of the Army as may be detailed for duty as instructors and assistant instructors.

3. The staff of the school, consisting of the instructors in charge of departments.

4. Such organizations, officers, and enlisted men as may be assigned for duty or instruction.

5. The student officers, lieutenants of infantry and cavalry, one from each regiment nominated by the regimental commander, and such others as may be detailed, all of whom will be required to take the prescribed course of instruction. These officers will be detailed in orders from Headquarters of the Army.

6. A secretary of the school and staff, who will be appointed by the commandant.

465. Commanding officers of regiments will be directed from Headquarters of the Army to make preliminary selection of officers and of alternates one year in advance of the date of entrance at the school, and such officers or alternates will, at the proper time, be detailed at the school, except for cogent reasons to the contrary; but no officer will be selected who is not physically qualified for active service. A list of the names of officers and alternates selected will be sent from the Adjutant-General's Office to the commandant, who will cause the programme of instruction and list of authorized text-books to be sent to them.

HONOR GRADUATES.

466. As soon as practicable after the close of the final examination of each class at the Artillery School and at the Infantry and Cavalry School, the respective commandants will report to the Adjutant-General of the Army the names of those student officers recommended by the staff of the school as most distinguished by general proficiency in the prescribed course of study, two from each class at the Artillery School, and not less than three nor more than five from each class at the Infantry and Cavalry School. As long as any such graduate is borne upon the active or retired list of the Army, his name in the Army Register will be accompanied by an appropriate design signifying that he is an honor graduate. The number of honor graduates in any class at the Infantry and Cavalry School will be determined by the Commanding General of the Army on the recommendation of the staff of the school.

THE CAVALRY AND LIGHT ARTILLERY SCHOOL.

467. The Cavalry and Light Artillery School at Fort Riley, Kans., is governed by special regulations and includes a sub-school of practice for each

of those arms. The school is for the purpose of instruction in the combined operations of cavalry and light artillery.

The school will have the following organization:

1. Field officers, four or more of cavalry and one or more of artillery. The commandant will be a colonel of cavalry, but in his absence the senior officer of cavalry or artillery present will command.

2. The director of the sub-school for cavalry, who will be the senior officer of cavalry present next to the commandant, and the director of the sub-school of light artillery, who will be the senior officer of artillery present.

3. The staff of the school, which will consist of the commandant and all the field officers of cavalry and artillery at the post.

4. Such number of squadrons of cavalry not exceeding three, such number of batteries of light artillery not exceeding five, and such other officers and enlisted men as may be there assigned for instruction.

5. A secretary of the school and its staff, who shall be appointed by the commandant.

THE ARMY MEDICAL SCHOOL.

468. The Army Medical School, at Washington, D. C., is governed by special regulations, and will have the following organization:

1. The faculty, which will consist of four or more professors selected from the senior officers of the Medical Department stationed in or near the city of Washington, and such associate professors as may be required. The senior officer will be president, and the junior, secretary of the faculty.

2. The student officers, who will be those medical officers who have been appointed since the last preceding term of the school, and such others as may be authorized to attend.

ARTICLE L.

THE GOVERNMENT HOSPITAL FOR THE INSANE.

469. The insane of the military service will be sent by department commanders, under proper escort, to Washington, D. C., where they will be reported to the Adjutant-General of the Army, that the orders of the Secretary of War for admission to the Government Hospital for the Insane may be obtained.

470. An application for admission to the hospital will be forwarded in time to reach the Adjutant-General of the Army at least one day before the arrival of the patient. It will contain a full description of the patient, and will be accompanied by a certificate of the post surgeon containing the diagnosis and a detailed account of the medical history of the case. If the patient be a soldier, his descriptive list and certificates of disability will accompany the application. He will not be discharged from the service except by order of the Secretary of War after his arrival at the hospital.

471. An insane soldier will be escorted by a noncommissioned officer. When a number are sent at one time, or when the patient or patients are violent, the department commander may order such addition to the escort as may be necessary. The noncommissioned officer will report to the Adjutant-General of the Army by telegraph, at least twenty-four hours in advance, the probable time and place of arrival in Washington. After leaving the patient at the asylum, the noncommissioned officer will report to the Adjutant-General of the Army for further instructions.

472. On the departure of the patient from his station, the commanding officer will give such orders to the person in charge as will provide for transportation of the necessary attendants to the institution and returning to their posts, also subsistence during their absence. When payment of commutation, in lieu of subsistence in kind, is permissible under paragraph 1272, the commanding officer may, in writing, order commutation for the patient to be paid in advance to, and receipted for by, the noncommissioned officer to whose charge the patient is committed.

473. To obtain the release of a patient when cured, or his delivery to the care of friends, application must be made to the Adjutant-General of the Army, accompanied by the recommendation of the superintendent of the hospital.

ARTICLE LI.

INDIANS.

INDIAN COUNTRY, ETC.

474. If any commanding officer of a military post has reason to suspect or is informed that any white person or Indian is about to introduce or has introduced any spirituous liquor or wine into the Indian country in violation of law, he may cause the boats, stores, packages, wagons, sleds, and places of deposit of such person to be searched; and if such liquor is found therein, the same, together with the boats, teams, wagons, and sleds used in conveying the same, and also the goods, packages, and peltries of such person, shall be seized and delivered to the proper officer, and shall be proceeded against by libel in the proper court. It shall, moreover, be the duty of any person in the service of the United States, or of any Indian, to take and destroy any ardent spirits or wine found in the Indian country, except such as may be introduced therein by the War Department. In all cases arising under sections 2139 and 2140, Revised Statutes, Indians shall be competent witnesses.

475. The Indian country within the meaning of the foregoing paragraph may be defined, in general, as the Indian Territory, Indian reservations, or districts occupied by Indian tribes and to which the Indian title has not been extinguished; or sections of country over which the operation of the Indian trade and intercourse laws has been retained by Indian treaty stipulations. Should any case arise which, in the opinion of the department commander, does not appear to be embraced within these definitions, he will report it to the Secretary of War, in order that the question whether the location is Indian country may be authoritatively determined.

476. When lands are secured to the Indians by treaty against occupation by the whites the military commanders will keep intruders off the same by military force if necessary, until such time as the Indian title is extinguished or the lands are opened by Congress for settlement.

477. When questions arise as to the ownership of animals in possession of Indians the commanding officer of the nearest military post is authorized and directed to act in conjunction with the agent in charge of said Indians in the investigation and determination of ownership.

478. The introduction into the Indian country for the purpose of sale to or exchange with Indians of any breech-loading firearms and of any special ammunition adapted to them, and the sale and exchange to Indians in the Indian country of any such arms or ammunition, is prohibited. The intro-

duction into the country or district occupied by any tribe of hostile Indians, for the purpose of sale or exchange to them, of arms or ammunition of any description, and the sale or exchange thereof to or with such Indians, is prohibited; and all such arms or ammunition introduced by traders or other persons, and which are liable in any manner to be received by such hostile Indians, shall be deemed contraband of war, to be seized by any officer and confiscated.

479. Supplies, stores, and property of any kind procured out of Army appropriations will not be transferred, in any way or under any circumstances, for the use of Indians except under authority first obtained from the Secretary of War. Any officer violating the terms of this regulation will be charged with the money value of the supplies, stores, or property transferred, and in addition be otherwise held accountable, according to circumstances. But this paragraph will not be construed to prohibit the issue of small quantities of subsistence stores to Indians visiting military posts, as authorized in paragraph 1266.

480. Indians held as prisoners of war are entitled to receive necessary subsistence, clothing, medicines and medical attendance. There is no authority of law permitting such supplies and attendance to be furnished to Indians under the care and management of the Interior Department. All Indian prisoners will be reported on the post returns under the following form:

Name of tribe.	Number of men.	Number of women.	Number of children above 12 years of age.		Number of children 12 years of age and under.		Date of capture.	Gain.	Loss.	Total.	Total last return.	Remarks.
			Male.	Female.	Male.	Female.						

INDIAN SCOUTS.

481. Indians employed as scouts under the provisions of sections 1094 and 1112, Revised Statutes, will be enlisted for periods of three years and discharged when the necessity for their services shall cease. While in service they will receive the pay and allowances of cavalry soldiers and an additional allowance of 40 cents per day, provided they furnish their own horses and horse equipments; but such additional allowance will cease if they do not keep their horses and equipments in serviceable condition.

482. Department commanders are authorized to appoint the sergeants and corporals for the whole number of enlisted Indian scouts serving in their departments, but such appointments must not exceed the proportion of one first sergeant, five sergeants, and four corporals for every sixty enlisted Indian scouts.

483. The number of Indian scouts allowed to military departments will be announced from time to time in orders from the Headquarters of the Army.

484. The enlistment and re-enlistment of Indian scouts will be made, under the direction of department commanders. The appointment or mustering of farriers or blacksmiths on the rolls of Indian scouts is illegal.

485. In all cases of enlistment of Indians the full Indian name, and also the English interpretation of the same, will be inserted in the enlistment papers and in all subsequent returns and reports concerning them.

ARTICLE LII.

EMPLOYMENT OF TROOPS IN THE ENFORCEMENT OF THE LAWS.

486. It is unlawful to employ any part of the Army of the United States, as a posse comitatus or otherwise, for the purpose of executing the laws, except in such cases and under such circumstances as such employment of said force may be expressly authorized by the Constitution or by act of Congress; and any person willfully violating this provision will be deemed guilty of a misdemeanor, and, on conviction thereof, will be punishable by a fine not exceeding $10,000 or imprisonment not exceeding two years, or by both such fine and imprisonment.

487. The provisions of the Constitution and of acts of Congress understood as intended to be excepted from the operation of the preceding paragraph, authorizing the employment of the military forces for the purpose of executing the laws, are as follows:

ARTICLE IV OF THE CONSTITUTION.

§ 4. The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature can not be convened), against domestic violence.

REVISED STATUTES OF THE UNITED STATES.

CIVIL RIGHTS.

SEC. 1984. The commissioners authorized to be appointed by the preceding section [sec. 1983] are empowered, within their respective counties, to appoint, in writing, under their hands, one or more suitable persons, from time to time, who shall execute all such warrants or other process as the commissioners may issue in the lawful performance of their duties, and the persons so appointed shall have authority to summon and call to their aid the bystanders or posse comitatus of the proper county, or such portion of the land and naval forces of the United States, or of the militia, as may be necessary to the performance of the duty with which they are charged; and such warrants shall run and be executed anywhere in the State or Territory within which they are issued.

SEC. 1989. It shall be lawful for the President of the United States, or such person as he may empower for that purpose, to employ such part of the land or naval forces of the United States, or of the militia, as may be necessary to aid in the execution of judicial process issued under any of the preceding provisions, or as shall be necessary to prevent the violation and enforce the due execution of the provisions of this title.

SEC. 1991. Every person in the military or civil service in the Territory of New Mexico shall aid in the enforcement of the preceding section [abolishing peonage].

INDIANS.

SEC. 2118. Every person who makes a settlement on any lands belonging, secured, or granted by treaty with the United States to any Indian tribe, or surveys or attempts to survey such lands, or to designate any of the boundaries by marking trees, or otherwise, is liable to a penalty of one thousand dollars. The President may, moreover, take such measures and employ such military force as he may judge necessary to remove any such person from the lands.

SEC. 2147. The Superintendent of Indian Affairs, and the Indian agents and sub-agents, shall have authority to remove from the Indian country all persons found therein contrary to law; and the President is authorized to direct the military force to be employed in such removal.

SEC. 2150. The military forces of the United States may be employed in such manner and under such regulations as the President may direct—

First. In the apprehension of every person who may be in the Indian country in violation of law; and in conveying him immediately from the Indian country, by the nearest convenient and safe route, to the civil authority of the Territory or judicial district in which such person shall be found, to be proceeded against in due course of law;

Second. In the examination and seizure of stores, packages, and boats, authorized by law;

Third. In preventing the introduction of persons and property into the Indian country contrary to law; which persons and property shall be proceeded against according to law;

Fourth. And also in destroying and breaking up any distillery for manufacturing ardent spirits set up or continued within the Indian country.

SEC. 2151. No person apprehended by military force under the preceding section shall be detained longer than five days after arrest and before removal. All officers and soldiers who may have any such person in custody shall treat him with all the humanity which the circumstances will permit.

SEC. 2152. The superintendents, agents, and sub-agents shall endeavor to procure the arrest and trial of all Indians accused of committing any crime, offense, or misdemeanor, and of all other persons who may have committed crimes or offenses within any State or Territory, and have fled into the Indian country, either by demanding the same of the chiefs of the proper tribe, or by such other means as the President may authorize. The President may direct the military force of the United States to be employed in the apprehension of such Indians, and also in preventing or terminating hostilities between any of the Indian tribes.

THE PUBLIC LANDS.

SEC. 2460. The President is authorized to employ so much of the land and naval forces of the United States as may be necessary effectually to prevent the felling, cutting down, or other destruction of the timber of the United States in Florida, and to prevent the transportation or carrying away any such timber as may be already felled or cut down; and to take such other and further measures as may be deemed advisable for the preservation of the timber of the United States in Florida.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That if any person or persons shall, after the passing of this act, take possession of, or make a settlement on any lands ceded or secured to the United States, by any treaty made with a foreign nation, or by a cession from any State to the United States, which lands shall not have been previously sold, ceded, or leased by the United States, or the claim to which lands, by such person or persons, shall not have been previously recognized and confirmed by the United States; or if any person or persons shall cause such lands to be thus occupied, taken possession of, or settled; or shall survey, or attempt to survey, or cause to be surveyed, any such lands; or designate any boundaries thereon, by marking trees, or otherwise, until thereto duly authorized by law, such offender or offenders shall forfeit all his or their right, title, and claim, if any he hath, or they have, of whatsoever nature or kind the same shall or may be, to the lands aforesaid, which he or they shall have taken possession of, or settled, or cause to be occupied, taken possession of, or settled, or which he or they shall have surveyed, or attempt to survey, or cause to be surveyed, or the boundaries thereof he or they shall have designated, or cause to be designated, by marking trees or otherwise. And it shall moreover be lawful for the President of the United States to direct the marshal, or officer acting as marshal, in the manner hereinafter directed, and also to take such other measures, and to employ such military force as he may judge necessary and proper, to remove from lands ceded or secured to the United States by treaty or cession as aforesaid any person or persons who shall hereafter take possession of the same, or make, or attempt to make, a settlement thereon, until thereunto authorized by law. And every right, title, or claim forfeited under this act shall be taken and deemed to be vested in the United States, without any other or further proceedings: *Provided*, That nothing herein contained shall be construed to affect the right, title, or claim of any person to lands in the Territories of Orleans or Louisiana before the boards of commissioners established by the act intituled "An act for ascertaining and adjusting the titles and

claims to land within the Territory of Orleans and the District of Louisiana," shall have made their reports and the decision of Congress been had thereon.

[Section 1 of an act approved March 3rd, 1807, perpetuated by sec. 5596, Revised Statutes.]

THE PUBLIC HEALTH.

SEC. 4792. The quarantines and other restraints established by the health laws of any State respecting any vessels arriving in, or bound to, any port or district thereof, shall be duly observed by the officers of the customs revenue of the United States, by the masters and crews of the several revenue cutters, and by the military officers commanding in any fort or station upon the seacoast; and all such officers of the United States shall faithfully aid in the execution of such quarantines and health laws, according to their respective powers and within their respective precincts, and as they shall be directed, from time to time, by the Secretary of the Treasury. * * *

EXTRADITION.

SEC. 5275. Whenever any person is delivered by any foreign government to an agent of the United States for the purpose of being brought within the United States and tried for any crime of which he is duly accused, the President shall have power to take all necessary measures for the transportation and safe-keeping of such accused person, and for his security against lawless violence, until the final conclusion of his trial for the crimes or offenses specified in the warrant of extradition, and until his final discharge from custody or imprisonment for or on account of such crimes or offenses, and for a reasonable time thereafter, and may employ such portion of the land or naval forces of the United States, or of the militia thereof, as may be necessary for the safe-keeping and protection of the accused.

NEUTRALITY.

SEC. 5286. Every person who, within the territory or jurisdiction of the United States, begins or sets on foot, or provides or prepares the means for, any military expedition or enterprise, to be carried on from thence against the territory or dominions of any foreign prince or state, or of any colony, district, or people with whom the United States are at peace, shall be deemed guilty of a high misdemeanor, and shall be fined not exceeding three thousand dollars and imprisoned not more than three years.

SEC. 5287. * * * In every case in which a vessel is fitted out and armed, or attempted to be fitted out and armed, or in which the force of any vessel of war, cruiser, or other armed vessel is increased or augmented, or in which any military expedition or enterprise is begun or set on foot, contrary to the provisions and prohibitions of this title; and in every case of the capture of a vessel within the jurisdiction or protection of the United States as before defined; and in every case in which any process issuing out of any court of the United States is disobeyed or resisted by any person having the custody of any vessel of war, cruiser, or other armed vessel of any foreign prince or state, or of any colony, district, or people, or of any subjects or citizens of any foreign prince or state, or of any colony, district, or people, it shall be lawful for the President, or such other person as he shall have empowered for that purpose, to employ such part of the land or naval forces of the United States or of the militia thereof for the purpose of taking possession of and detaining any such vessel, with her prizes, if any, in order to the execution of the prohibitions and penalties of this title, and to the restoring of such prizes in the cases in which restoration shall be adjudged, and also for the purpose of preventing the carrying on of any such expedition or enterprise from the territories or jurisdiction of the United States against the territories or dominions of any foreign prince or state, or of any colony, district, or people with whom the United States are at peace.

SEC. 5288. It shall be lawful for the President, or such person as he shall empower for that purpose, to employ such part of the land or naval forces of the United States, or of the militia thereof, as shall be necessary to compel any foreign vessel to depart the United States in all cases in which, by the laws of nations or the treaties of the United States, she ought not to remain within the United States.

INSURRECTION.

SEC. 5297. In case of an insurrection in any State against the government thereof, it shall be lawful for the President, on application of the legislature of such State, or of the executive, when the legislature can not be convened, to call forth such number of the

militia of any other State or States, which may be applied for, as he deems sufficient to suppress such insurrection; or, on like application, to employ, for the same purposes, such part of the land or naval forces of the United States as he deems necessary.

SEC. 5298. Whenever, by reason of unlawful obstructions, combinations, or assemblages of persons, or rebellion against the authority of the Government of the United States, it shall become impracticable, in the judgment of the President, to enforce, by the ordinary course of judicial proceedings, the laws of the United States within any State or Territory, it shall be lawful for the President to call forth the militia of any or all the States, and to employ such parts of the land and naval forces of the United States, as he may deem necessary to enforce the faithful execution of the laws of the United States, or to suppress such rebellion, in whatever State or Territory thereof the laws of the United States may be forcibly opposed, or the execution thereof forcibly obstructed.

SEC. 5299. Whenever insurrection, domestic violence, unlawful combinations, or conspiracies in any State so obstructs or hinders the execution of the laws thereof, and of the United States, as to deprive any portion or class of the people of such State of any of the rights, privileges, or immunities, or protection, named in the Constitution and secured by the laws for the protection of such rights, privileges, or immunities, and the constituted authorities of such State are unable to protect, or, from any cause, fail in or refuse protection of the people in such rights, such facts shall be deemed a denial by such State of the equal protection of the laws to which they are entitled under the Constitution of the United States; and in all such cases, or whenever any such insurrection, violence, unlawful combination, or conspiracy opposes or obstructs the laws of the United States, or the due execution thereof, or impedes or obstructs the due course of justice under the same, it shall be lawful for the President, and it shall be his duty, to take such measures, by the employment of the militia or the land and naval forces of the United States, or of either, or by other means, as he may deem necessary, for the suppression of such insurrection, domestic violence, or combinations.

Among the laws to be enforced under sections 5298 and 5299 are the following:

(1) Section 3995, Revised Statutes, which prohibits the obstructing or retarding the passage of the mail, and all other laws relating to the carrying of the mails.

(2) The following sections of an act approved July 2, 1890, entitled:

AN ACT to protect trade and commerce against unlawful restraints and monopolies.

SEC. 1. Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States, or with foreign nations, is hereby declared to be illegal.

Every person who shall make any such contract or engage in any such combination or conspiracy shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding five thousand dollars, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

SEC. 3. Every contract, combination in form of trust or otherwise, or conspiracy, in restraint of trade or commerce in any Territory of the United States, or of the District of Columbia, or in restraint of trade or commerce between any such Territory and another, or between any such Territory or Territories and any State or States or the District of Columbia, or with foreign nations, or between the District of Columbia and any State or States or foreign nations, is hereby declared illegal.

Every person who shall make any such contract or engage in any such combination or conspiracy shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding five thousand dollars, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

(3) The following section of an act approved July 2, 1864, entitled:

AN ACT granting lands to aid in the construction of a railroad and telegraph line from Lake Superior to Puget Sound, on the Pacific coast, by the Northern route.

SEC. 11. *And be it further enacted*, That said Northern Pacific Railroad, or any part thereof, shall be a post route and a military road, subject to the use of the United States for postal, military, naval, and all other Government service, and also subject to such regulations as Congress may impose restricting the charges for such Government transportation.

(4) The following section of an act approved July 1, 1862, entitled:

AN ACT to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes.

(The Union and Central Pacific Railway Companies.)

SEC. 6. *And be it further enacted*, That the grants aforesaid are made upon condition that said company shall pay said bonds at maturity, and shall keep said railroad and telegraph line in repair and use, and shall at all times transmit dispatches over said telegraph line and transport mails, troops, and munitions of war, supplies, and public stores upon said railroad for the Government, whenever required to do so by any department thereof, and that the Government shall at all times have the preference in the use of the same for all the purposes aforesaid. * * *

(5) The following sections of an act approved July 27, 1866, entitled:

AN ACT granting lands to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast.

SEC. 11. *And be it further enacted*, That said Atlantic and Pacific Railroad, or any part thereof, shall be a post route and military road, subject to the use of the United States for postal, military, naval, and all other Government service, and also subject to such regulations as Congress may impose restricting the charges for such Government transportation.

SEC. 18. *And be it further enacted*, That the Southern Pacific Railroad, a company incorporated under the laws of the State of California, is hereby authorized to connect with the said Atlantic and Pacific Railroad, formed under this act, at such point near the boundary line of the State of California, as they shall deem most suitable for a railroad line to San Francisco, and shall have a uniform gauge and rate of freight or fare with said road; and in consideration thereof, to aid in its construction, shall have similar grants of land, subject to all the conditions and limitations herein provided, and shall be required to construct its road on the like regulations, as to time and manner, with the Atlantic and Pacific Railroad herein provided for.

SEC. 5316. It shall be unlawful to take any vessel or cargo detained under the preceding section [sec. 5315] from the custody of the proper officers of the customs, unless by process of some court of the United States; and in case of any attempt otherwise to take such vessel or cargo by any force, or combination, or assemblage of persons, too great to be overcome by the officers of the customs, the President, or such person as he shall have empowered for that purpose, may employ such part of the Army or Navy or militia of the United States, or such force of citizen volunteers as may be necessary, to prevent the removal of such vessel or cargo, and to protect the officers of the customs in retaining the custody thereof.

GUANO ISLANDS.

SEC. 5577. The President is authorized, at his discretion, to employ the land and naval forces of the United States to protect the rights of the discoverer [of a guano island] or of his widow, heir, executor, administrator, or assigns.

488. Officers of the Army will not permit troops under their command to be used to aid the civil authorities as a posse comitatus, or in execution of the laws, except as provided in the foregoing paragraph.

489. If time will admit, applications for the use of troops for such purposes must be forwarded, with statements of all material facts, for the consideration and action of the President; but in case of sudden and unexpected invasion, insurrection, or riot, endangering the public property of the United States, or in case of attempted or threatened robbery or interruption of the United States mails, or other equivalent emergency so imminent as to render it dangerous to await instructions requested through the speediest means of communication, an officer of the Army may take such action before the receipt of instructions as the circumstances of the case and the law under which he is acting may justify, and will promptly report his action and the circumstances requiring it to the Adjutant-General of the Army by telegraph, if possible, for the information of the President.

490. In the enforcement of the laws, troops are employed as a part of the military power of the United States, and act under the orders of the President as Commander-in-Chief. They can not be directed to act under the orders of any civil officer. The commanding officers of troops so employed are directly responsible to their military superiors. Any unlawful or unauthorized act on their part would not be excusable on the ground of an order or request received by them from a marshal or any other civil officer.

491. Troops called into action against a mob forcibly resisting or obstructing the execution of the laws of the United States, or attempting to destroy property belonging to or under the protection of the United States, are governed by the general regulations of the Army and apply military tactics in respect to the manner in which they shall act to accomplish the desired end. It is purely a tactical question in what manner they shall use the weapons with which they are armed—whether by fire of musketry and artillery or by the use of the bayonet and saber, or by both, and at what stage of the operations each or either mode of attack shall be employed. This tactical question will be decided by the immediate commander of the troops, according to his judgment of the situation. The fire of troops should be withheld until timely warning has been given to the innocent who may be mingled with the mob. Troops must never fire into a crowd unless ordered by their commanding officer, except that single selected sharpshooters may shoot down individual rioters who have fired upon or thrown missiles at the troops. As a general rule the bayonet alone should be used against mixed crowds in the first stages of a revolt. But as soon as sufficient warning has been given to enable the innocent to separate themselves from the guilty, the action of the troops should be governed solely by the tactical considerations involved in the duty they are ordered to perform. They should make their blows so effective as to promptly suppress all resistance to lawful authority, and should stop the destruction of life the moment lawless resistance has ceased. Punishment belongs not to the troops, but to the courts of justice.

ARTICLE LIII.

CEMETERIES.

NATIONAL CEMETERIES.

492. National cemeteries, and the records pertaining thereto, are under the charge of the Quartermaster-General. All correspondence between his office and the officers of his department in charge thereof, and the civil engineers and agents especially employed in connection therewith, also the monthly reports of superintendents, will be forwarded direct to him.

BATTLE-GROUND CEMETERIES.

493. In order to secure, as far as possible, the decent interment of those who fall in battle, it is the duty of commanding generals to set apart a suitable spot near every battlefield, and to cause the remains of the killed to be there interred. Headboards will be placed at the graves, each bearing the number of the grave and the name of the person buried therein. A register of the burial ground will be preserved, in which will be entered the location of each grave and the descriptive numbers and names which appear on the headboards.

POST CEMETERIES.

494. The commanding officer of every post situated on public lands of the United States will see that a suitable portion of such land is, when practicable, set apart and properly maintained for the burial of deceased officers and soldiers and their families, and of Government employees.

495. Post cemeteries will be suitably inclosed with a wall or fence of the best material available, and will be maintained by the labor of the garrison. Materials for the construction and repair of fences and headboards will be furnished by the Quartermaster's Department.

496. At each grave will be placed a headboard, plainly marked with a number, and with the name, company, regiment and date of death of the occupant, the number to correspond to the number in the record of interments. Headboards will be of well-seasoned wood, painted with three coats of white paint, four feet long, ten inches wide, one and three-eighths inches thick, and stand two feet out of the ground; the inscriptions in black letters one inch long.

497. Walks will be four feet wide, neatly rounded, and properly drained and graveled when the material is at hand. When practicable, good grass sod should cover the rest of the ground, including the graves, and native trees and shrubs will be preserved or planted for ornament and shade.

498. A record of interments will be kept by the quartermaster, which will be turned over by him, when relieved, to his successor or transmitted to the Quartermaster-General if the post be discontinued.

499. A report containing the names of persons buried during the calendar year, giving in each case number and locality of grave, date of death and burial, and in case of an officer or enlisted man, his rank, company and regiment or corps, will be forwarded to the Quartermaster-General.

ARTICLE LIV.

PRINTING.

NEWSPAPER ADVERTISING.

500. Newspapers officially designated for publishing War Department advertisements are required to forward to the chief clerk sworn statements of the commercial rates charged by them to individuals, with their usual discounts, and of any changes made in the same. These statements will give the size of type used in the advertisements and show whether the charges are made by the inch, line, square, or folio, the rate for the first and subsequent insertions, and if by the square, the number of lines counted as such. Fractional parts of an inch, square, or folio will be paid for at proportionate rates. When charges are varied in accordance with amount of space occupied or period of publication, the statements will show the charges for from one square to the number of squares contained in a column, inserted from one to thirty times.

501. The heads of bureaus of the War Department will furnish officers charged with the publication of advertisements lists of newspapers designated by the Secretary of War, and the necessary blanks for compliance with these regulations.

502. Officers will observe conciseness in wording advertisements, and the matter, including the heading and the name and title of the signing

officer, must be set up close in one paragraph, without dash or blank lines, leading or display, and in type no larger than that ordinarily used in advertisements. At offices and depots where proposals are frequently invited it is not necessary to publish in each case the conditions usually imposed upon bidders and contractors; a statement that they will be furnished on application will suffice. The following is a sample of advertisement set up in accordance with these requirements:

> PROPOSALS FOR FIRE HOSE.—Office of Building for State, War, and Navy Departments, Washington, D. C., Nov. 5, 1887.—Sealed proposals for furnishing and delivering unlined Linen Hose, Coupling, and Pipes, for west and center wings of building for State, War, and Navy Departments, in this city, will be received here until 12 m., Nov. 7, 1887, and then opened. Information furnished on application. Envelopes containing proposals should be indorsed "Proposals for Fire Hose," and addressed THOS. LINCOLN CASEY, Col. Engrs.

Advertisements for quartermaster's supplies will conform to the requirements of section 3716, Revised Statutes.

503. No official advertisement will be published in any newspaper except under special or general written authority of the Secretary of War. Special authority authorizes the publication of a given advertisement a specified number of times in a designated newspaper or newspapers. General authority is granted only to disbursing officers engaged in making frequent purchases and contracts, and authorizes the publication, for specified periods, in designated newspapers, of such advertisements for proposals as their duties may require. Due economy as to the number of newspapers in which an advertisement is to appear will be observed by officers having general authority to advertise, no greater number being used in any case than may be necessary to give proper and sufficient public notice. Requests for authority will be made upon prescribed forms.

504. Advertisements should not be inserted in Sunday editions unless specially authorized by the Secretary of War. In case of great emergency, the nature of which will be stated, authority to advertise may be requested by telegraph.

505. Advertisements in newspapers announcing sales of property or inviting proposals for furnishing labor or supplies, will, as a rule, allow thirty days to intervene between date of first publication and date of sale or opening of bids. If necessity require, a shorter period may be allowed, but no period of less than ten days will be designated except in case of emergency. No officer will authorize the publication of an advertisement beyond the morning of the day on which the sale or opening of bids is to occur, and no payments will be made for continuing such publication beyond the period authorized.

506. Ordinarily advertisements will be given six insertions in daily, or four in weekly, papers. When more than ten days are to intervene between the date of the first publication and the date of opening, those in daily newspapers inviting proposals will at once be given four consecutive insertions, and immediately before the date of opening, two consecutive insertions. In case of emergency, advertisements may be given one or more insertions, as time and circumstances permit.

507. Vouchers covering bills for advertising in newspapers must, prior to payment, be submitted to the Secretary of War. They will be prepared by the advertising officer, in duplicate, upon prescribed forms, and each

will have attached a copy of the advertisement cut from the newspaper, and an original bill of the publisher. No voucher will contain the account of more than one newspaper, nor for more than one advertisement. The number of squares, lines or folios, the number of insertions, and the amount, as charged by the publisher, will be entered on the vouchers. The number of insertions ordered will be stated in the proper column, and the column headed "Amount allowed" will be left blank. The receipt will be left blank and without signature until the voucher has been acted upon by the Secretary of War. Indorsed on the voucher will appear a copy of the authority of the War Department for the publication, stating its number. The accounts thus prepared will be forwarded by the certifying officer direct to the chief clerk of the War Department, with an indorsement describing the inclosures.

508. Accounts presented to officers for advertisements which they did not order, but which are shown to have been ordered by the Secretary of War to be published in the newspaper presenting the accounts for payment, will be prepared upon the official forms and transmitted to the chief clerk of the War Department in the same manner as other accounts for advertising. The following form of certificate will be used in such cases:

I certify that the annexed advertisement was cut from the newspaper named in the above account, and that it was inserted in that newspaper for the period stated.

Claims of publishers of official newspapers for advertisements copied from other papers without authority from the Secretary of War will not be paid.

509. In the event of an officer's death or removal, the outstanding bills for advertisements pertaining to his office will be prepared, certified, and forwarded by his successor, who is authorized to vary the form to correspond to the facts. Officers changing stations will leave with their successors complete records relative to unsettled accounts for advertising.

JOB PRINTING.

510. The printing required at the several department headquarters will be executed under contract, thirty days' notice, when practicable, being given of the opening of proposals. Bids will be invited and contracts made in accordance with the form of proposal and circular of instructions furnished by the Quartermaster's Department. The period of the contract will not extend beyond the end of the fiscal year in which made, and the contract will be submitted to the Secretary of War.

511. Vouchers covering bills for printing for department headquarters will, prior to payment, be submitted to the Secretary of War. They will be made out on prescribed forms, the printing to be so described as to enable computations to be readily reviewed according to the customary methods in use among book and job printers. A sample of the printing will accompany each bill, and on vouchers for work classed as "special" in the circular of instructions, the number of copies and rate per hundred will be stated, and on vouchers for other jobs the date of printing, number of copies, name and amount of type (number of thousand ems), number of tokens of press work, and rates per thousand ems and per token will be stated. The voucher will show grade and quantity of paper furnished by the printer and price charged. The vouchers thus prepared, with the certificate of the officer ordering the work, as to its necessity and propriety, will be forwarded direct to the chief clerk of the War Department, with a letter of transmittal describing the inclosures.

512. Printed letter and note headings for department headquarters will contain only the designation of the headquarters, the office to which the correspondence pertains, post-office address and blank date. Those for posts, regiments and schools of instruction will contain only the designation of the post, regiment or school, post-office address and blank date.

513. Necessary printing in special cases not covered by contracts for printing for department headquarters will, as far as practicable, be done by contract after competition, awards being made to the lowest responsible bidders. These contracts and all vouchers covering the service will also be submitted to the Secretary of War.

514. Officers will, as a rule, obtain all blank forms, blank books, etc., by requisition upon the heads of the proper staff departments.

ARTICLE LV.

PURCHASE OF SUPPLIES AND ENGAGEMENT OF SERVICES.

GENERAL PROVISIONS.

515. No contract or purchase on behalf of the United States shall be made, unless the same is authorized by law, or is under an appropriation adequate to its fulfillment, except for clothing, subsistence, forage, fuel, quarters, or transportation, which, however, shall not exceed the necessities of the current year. (R. S., 3732.) No officer of the United States shall accept voluntary service for the Government or employ personal service in excess of that authorized by law, except in case of emergency involving loss of life or destruction of property. (Act approved May 1, 1884.)

516. The labor of troops or Government employees, or Government means of transportation, will not be used to enable contractors to fulfill contracts, except in cases of manifest necessity, and then only on the written authority of the proper commander. Full deduction will be made for Government services when rendered.

517. Articles of foreign production or manufacture for the service of the United States will not be purchased abroad for importation without special authority from the Secretary of War.

518. Supplies, and services not personal, required in the various departments of the Army will be procured where they can be had cheapest, quality and cost of transportation in the case of supplies being considered:

1. After public notice inviting proposals for thirty days or more, or for ten days or more but less than thirty days, or for less than ten days, according to the needs of the service.
2. Without public notice.

Personal services are such as the individual employed or contracted with must perform in person directly under the control and supervision of an officer or agent of the Government, as distinguished from services the performance of which may be delegated by the contractor to others. Bills rendered for such services must contain no charge for material.

519. An officer charged with the duty of making a contract or purchase is responsible under the laws and regulations for his action. Permission or orders to make a contract or purchase without inviting competition will not justify the procedure, and will not be given.

ADVERTISING FOR PROPOSALS.

520. In cases of large purchases a period of thirty or more days should intervene between date of first publication and of opening proposals. In small purchases, from ten to thirty days should intervene, and when the public exigency (constituting an emergency) does not permit ten days to intervene, the period should be for as many days as the circumstances will permit. Advertising for proposals by newspapers, in accordance with Article LIV, will be adopted when time permits, and the quantity or value of the purchase, or character of the services, in the opinion of the purchasing officer, will justify the expense. When notice of less than thirty days is given, advertising by circulars (sent to principal dealers in the localities where the supplies or services are desired, and posted in public places) is permissible. A purchasing officer may advertise by newspapers and circulars at the same time.

521. When advertisements or specifications thereunder do not announce fixed standards for articles required, they should be so worded as to permit bids to be considered item by item, and awards to be made for the most suitable articles of each kind offered.

522. Whenever it is intended to require that guaranties shall accompany proposals, that fact, the amounts in which the guarantors are to justify, and the periods to be allowed after the award for the execution of contract papers and bonds, will be stated in the advertisement or specification.

523. Advertisements inviting proposals will ordinarily be issued by the officer who is to make the contract or purchase; in special cases, if competent authority so direct, they may be issued by any other officer.

524. A copy of each advertisement and specification will be promptly forwarded by the officer issuing it, direct to the proper bureau of the War Department, together with all information required for a complete understanding of the necessity for the proposed contract or purchase, and in case of notice by circular, there will be indorsed on it the names of persons to whom sent, and if issued for a period of less than ten days, the reason why a longer period was not allowed will be stated. The forwarding of these notices at time of issuing may be dispensed with at the discretion of the chief of bureau to which the proposed contract or purchase pertains.

PROPOSALS.

525. Information in regard to supplies or services for which proposals have been invited will be furnished on application to all persons desiring it, but no person belonging to or employed in the military service will render assistance in the preparation of proposals.

526. Bidders for supplies will be informed of the kind, quantity and quality of articles required, the place, time and rate of delivery, and conditions of payment. They will be furnished with such specifications as have been adopted, and will be permitted to examine the standard samples at the places where deposited.

527. Bidders for labor will be informed of the nature and extent of the services required, where they are to be performed, and the time allowed for performance. They will be furnished with, or allowed to examine, plans and specifications of all works upon which they desire to bid, and in general will be furnished with any information needed to enable them to act understandingly.

528. No person will be informed, directly or indirectly, of the name of any one intending to bid, or not to bid, or to whom information in respect to proposals has been given.

529. Proposals should be prepared in duplicate, or in triplicate if required, in strict accordance with the requirements of the advertisement or specifications; they should make specific reference to the advertisement and to any plans or specifications which may have been furnished. Each proposal should give the place of residence and post-office address of the bidder, with county, State or Territory, and should be signed by the bidder with his usual signature in full.

530. A proposal by a person who affixes to his signature the word "president," "secretary," "agent," or other designation, without disclosing his principal, is the proposal of the individual. That by a corporation should be signed with the name of the corporation, followed by the signature of the president, secretary or other person authorized to bind it in the matter, who should file evidence of his authority to do so. That by a firm should be signed with the firm name, either by a member thereof or by its agent, giving the names of all members of the firm. If an agent signs, he should file evidence of his authority to bind the firm.

531. In proposals, numbers and prices will be written in words, as well as expressed in figures; but when a great variety of articles, such as stationery, hardware, etc., is required, quantities and prices may, if the amounts involved are inconsiderable and the forms of proposals so indicate, be expressed in figures only. It will be sufficient if specifications are referred to and are declared to form part of the proposal.

532. Erasures or interlineations should be explained by the bidder, in the proposal, over his signature.

533. Guaranties, signed by two responsible parties, will be required to accompany proposals whenever, in the opinion of the officer authorized to make the contract, they are necessary to protect the public interests, and when so required, no proposal unaccompanied by a guaranty, made in manner and form as directed in the advertisement or specifications, will be considered.

534. The guaranty will be in duplicate, or in triplicate if required, and will be made out and executed with the necessary justification, in accordance with blank forms furnished by chiefs of bureaus. The certificate of sufficiency of guarantors will be executed in the manner prescribed in paragraph 563.

535. Proposals, with their guaranties, will be securely sealed in suitable envelopes, indorsed and addressed as required by the advertisement, and must be in the possession of the officer addressed before the hour appointed for the opening. No responsibility will attach to an officer for the premature opening of any proposal not so indorsed as to clearly show its character.

536. When an advertisement calls for proposals to furnish labor or supplies at more than one place, a separate proposal will be made for performance at each place, but all may be submitted in the same envelope.

537. Proposals received prior to the time of opening will be securely kept. The officer whose duty it is to open them will decide when that time has arrived, and no proposal will thereafter be received.

538. Before the time for opening, any bidder may, without prejudice, withdraw from competition by giving written notice of his decision to the officer holding his bid, and when his bid is reached at the opening it will be returned to him or his authorized agent unread.

539. Proposals will be opened and read aloud at the time and place appointed for the opening (bidders having the right to be present), and each proposal will then and there be numbered and entered on an abstract, the articles being entered in the order in which they are to appear on the returns. Articles to be procured by contract will be abstracted separately from those to be procured on written acceptance. If the number of proposals is large, those relating to specific articles or classes of articles may be entered on separate abstracts. The number of each proposal, with the quantities and prices of articles offered and dates of delivery, will appear in the proper columns, and a copy of the advertisement or notice, under which the proposals are received, with a copy of the specifications if any, will be attached to the upper left-hand corner of the abstract. When two or more sheets are used for the abstract they will be properly fastened together and paged on the upper right-hand corner.

540. Proposals will be separately folded and numbered as vouchers to the abstract. They will not be fastened together nor to contracts, except to the copy required to be sent to the Returns Office.

541. When proposals are received at a post, unless by an officer authorized to make the award, as in cases involving small expenditures, they and the abstract will be forwarded to department headquarters, with the recommendations of the receiving officer and the post commander as to the person to whom the award should be made. When a purchasing officer, acting under the direct supervision of a chief of bureau, has invited and received proposals, he will make the award and execute the necessary papers, unless otherwise directed by the chief of bureau.

AWARDS.

542. When proposals for supplies for the general service of a department are received at its headquarters, the chief officer of that branch of the staff to which they pertain will submit them to the department commander, and under his supervision, will make the award and execute the necessary papers, unless under existing orders the action of higher authority is necessary.

543. Except in rare cases, when the United States elects to exercise the right to reject proposals, awards will be made to the lowest responsible bona fide bidder whose proposal for furnishing a proper article is not unreasonable.

544. Slight failures on the part of a bidder to comply strictly with the terms of an advertisement should not necessarily lead to the rejection of his bid, but the interests of the Government will be fully considered in making the award.

545. Articles of domestic production or manufacture will be preferred to those of foreign origin, cost and quality being equal.

546. When no guaranty is required, bidders must, if called upon by the awarding officer, furnish satisfactory evidence before the award is made of their ability to carry their proposals into effect.

547. The accepted quantity and price will be noted on the abstract of proposals in the column of "Remarks," opposite the name of the bidder. If a bid is rejected, and one at a higher price accepted, the reason for the rejection will be written in the column of remarks. When contracts are made that fact will be stated in the abstract.

ABSTRACTS OF PROPOSALS.

548. A copy of each abstract, in those cases where contracts are to be entered into, made as directed in paragraphs 539, 541, and 547, accompanied by a duplicate of each proposal received, will, as soon as considered, be forwarded to the proper bureau of the War Department. When the purchase of supplies or engagement of services is made through written proposal and written acceptance only, the abstract and proposals need not be forwarded unless specially directed.

METHODS OF PURCHASE.

549. A purchase of supplies or engagement of services will be made:

1. By contract, "reduced to writing and signed by the contracting parties with their names at the end thereof." Agreements of this character only are termed "contracts" in these regulations.
2. By written proposal and written acceptance.
3. By oral agreement.

When delivery or performance does not immediately follow an award or bargain, the first method will be used; when delivery or performance immediately follows an award or bargain, the second method may be resorted to.

550. Contracts will be made on forms furnished by the chiefs of bureaus, in cases where such forms are applicable, and those forms will be modified only to such extent as is necessary. All conditions will be stated therein as fully and clearly as possible.

551. Contracts will be made in the name of, and will be signed by, the officer designated by the chief of bureau to which the contracts pertain. They will not be made at posts unless ordered by superior authority, and they will not be so ordered unless the stores or services required, of proper quality or kind, can be procured as cheaply there as elsewhere.

552. When a contract is entered into with a partnership, the individual names of the partners should be given in the body of the instrument, with the recitation that they are partners composing a firm, which should be named, and it may be signed in the name of the partnership by one of the partners, who will append his own signature as one of the firm.

553. Contracts executed by a corporation should have the name of the corporation in the body of the instrument, and should be signed by the president, secretary or other person acting in its behalf, who should sign the corporate name and his own. The contract should be executed under the corporate seal, when the corporation has a seal, and evidence should be furnished also under the corporate seal as to the official character of the person by whom it is executed, and that he is duly authorized to execute the same in behalf of the corporation. This evidence may be a properly verified extract from the articles of incorporation or from the by-laws or from the minutes of the board of directors.

554. All contracts will be executed in quintuplicate. One is for the contractor, one for the contracting officer, one for the Auditor for the War Department, one for the head of the bureau to which the contract pertains and one for the Returns Office of the Interior Department.

555. Upon receipt of the contract in quintuplicate at the proper bureau it will be examined, and if found correct, approved. Should any illegality be discovered, it will be submitted to the Secretary of War.

556. The copy intended for the Returns Office will be sent thereto by the officer making and signing the same, as soon as possible after the contract has been made and approved, and within thirty days, together with all bids, offers, and proposals made by persons to obtain the contract, and with a copy of the advertisement; all of which will be fastened together by a ribbon and seal, and numbered in regular order, with the affidavit of the contracting officer appended in the following form:

I do solemnly swear that the copy of contract hereto annexed is an exact copy of a contract made by me personally with —— ——; that I made the same fairly, without any benefit or advantage to myself, or allowing any such benefit or advantage corruptly to the said —— —— or any other person; and that the papers accompanying include all those relating to the said contract, as required by the statute in such case made and provided.

557. In case of a purchase made by an officer of the Quartermaster's or Subsistence Department after public notice of ten days or more, the copy intended for the Auditor for the War Department must be accompanied by a copy of the advertisement, a certificate of the contracting officer as to the time and manner of its publication, and his certificate that the award was made to the lowest responsible bidder for the best and most suitable article.

558. All papers relating to or affecting the performance of any contract will finally be transmitted to the bureau of the War Department to which the contract pertains. except as provided in paragraph 704.

CONTRACTORS' BONDS.

559. Bonds for the faithful performance of contracts for supplies or service will be required in the following cases:

1. When the consideration is $3,000 or more, whatever may be the length of time required for the full performance of the contract.

2. When the consideration is over $250 but less than $3,000 and the contract can not be fully performed within thirty days from its date.

Bonds may be exacted or, in the discretion of the respective chiefs of bureaus concerned, waived in the following cases:

1. When the consideration is less than $3,000 and the contract is to be fully performed within thirty days from its date.

2. When the consideration is not more than $250, whatever may be the length of time required for full performance.

3. When the contract is for furnishing meals to recruits and recruiting parties.

The amount of penalty in a contractor's bond will be fixed by the contracting officer, and will not be less than one-tenth nor more than the full amount of the consideration of the contract.

Nothing in this paragraph is to be construed as authorizing the waiving of bonds required under paragraph 565.

560. When bonds for the faithful performance of contracts are exacted, they will be made and executed with the necessary justification and certification of sufficiency of sureties, in accordance with the instructions printed on the blank forms of contractors' bonds furnished by the chiefs of bureaus. Such bonds must be executed by the contractor as principal, and by a surety company, or by at least two sufficient and responsible persons who must be citizens of the United States, as sureties. Each must affix to his signature a seal, and each signature must be attested by at least one witness. When practicable there will be a separate witness to each signature.

561. A company duly incorporated under the laws of the United States, or of any State, and legally authorized to guarantee bonds, may be accepted as surety, under the conditions prescribed in Article LVI. A firm, as such, will not be accepted as surety, nor a partner for a copartner or firm of which he is a member. Stockholders who are not officers of a corporation may be accepted as sureties for such corporation.

562. A guarantor, or the guarantors, to a bidder's guaranty may be accepted as surety, or sureties, to the bond of the same person as contractor, provided such guarantor or guarantors are able to justify as required for the bond.

563. The sureties, if non-corporate guarantors, must jointly justify in double the amount of the penalty. The affidavit must be taken before a person authorized by the laws of the United States, State, Territory or District, to administer oaths. Justification will be followed by the certificate of a judge or clerk of a United States court, a United States district attorney, United States commissioner, a judge or clerk of a State court of record with the seal of said court attached, that the guarantors or sureties are known to him, and that, to the best of his knowledge and belief, each is worth, over and above all debts and liabilities, the sum stated in his affidavit of justification. If found necessary, separate certificates may be furnished as to each guarantor or surety.

564. Contractors' bonds will be executed in duplicate, one to accompany the copy of the contract which is sent to the Auditor for the War Department, and the other retained by the officer who makes the contract.

565. When a contract is entered into for the construction of any public building, or the prosecution and completion of any public work, or for repairs on any public building or public work, the contractor will be required, before entering upon performance of the same, to include in the bond given for the faithful performance of the contract the further obligation that he will promptly make payments to all persons who supply him with labor and materials for the prosecution of the work provided for in such contract. A certified copy of this contract and bond will be furnished to any person who has supplied such labor or materials, upon his application to the War Department, accompanied by an affidavit that the labor or materials have been supplied by him and have not been paid for by the contractor.

ORAL AGREEMENT.

566. Subject to the provisions of paragraph 549, supplies may be procured and services engaged by oral agreement, in the manner common among business men, in the following cases:

1. When the public exigencies require immediate delivery of supplies or performance of services, and there is no time to advertise by newspapers or circulars.

2. When prices of articles are fixed and uniform, and no competition can be had.

3. When proposals have been invited and none have been received.

4. When proposals are above the market price or otherwise unreasonable.

5. When the aggregate amount of a purchase, including all items that can reasonably be consolidated, does not exceed $200, if the interests of the Government will be promoted by dispensing with public notice or advertisement.

6. When "exceptional articles" are purchased by the Subsistence Department, or medical supplies by the Medical Department.

567. Before making a purchase by oral agreement the officer will inform himself concerning prevailing prices by inquiry among principal dealers in his locality.

568. Open purchases for the military service on or near an Indian reservation will be made as far as practicable from the Indians, when fair and reasonable rates, not exceeding the market prices in the locality, can be obtained.

REPORTS OF PURCHASES.

569. An officer of the Quartermaster's or Subsistence Department who makes a purchase of supplies, or an engagement of services not personal, after public notice of less than ten days, or an officer of any department (except the Medical Department) who makes a purchase of supplies or engagement of services under paragraph 566, will transmit with his monthly money accounts, to the head of the bureau to which the matter pertains, a report setting forth in detail the quantity, price, name of seller, etc., of the supplies so purchased, or the nature of the services so engaged, and the reasons for the mode adopted in each case. "Exceptional articles" purchased by the Subsistence Department will be reported as such, without items or reasons for purchase. The head of the bureau will submit these reports to the Secretary of War.

MARKING SUPPLIES BY CONTRACTORS.

570. Contractors furnishing supplies will mark and distinguish them with their names and with such other designations as shall be directed by the purchasing officer.

ARTICLE LVI.

Bonds of Disbursing Officers, Bidders and Contractors.

571. Disbursing officers of the Quartermaster's, Subsistence and Pay Departments, and all storekeepers, before entering upon the duties of their respective offices, will give bonds as required by law. Chiefs of bureaus will see that such bonds are examined as to sufficiency of sureties at least once in two years, and renewed once in four years, or more frequently if necessary.

572. Sureties to bonds given by disbursing officers will be bound jointly and severally for the whole amount expressed therein, and must satisfy the Secretary of War that they are worth, jointly, double such amount, each surety making affidavit that he is worth that sum over and above his debts and liabilities, and stating in the affidavit his place of residence.

573. When the principal of the bond is a corporation, a copy of its charter or articles of incorporation, authenticated by the secretary of state or

other officer having authority, will be attached to the bond. A copy of the record of the organization of the corporation and of the selection and qualification of the officers executing the bond in its behalf, as well as a copy of the record of the proceedings of the board of directors or other governing body of the corporation, showing their authority to execute the same—all duly certified by the custodian of such records, under the seal of the corporation, to be correct copies—will be attached thereto.

574. Before a corporation will be accepted as surety there must be filed with the Secretary of War a copy of its charter or articles of incorporation, and of all laws that may be necessary or which may be required in addition to the charter to show that it has power to enter into the obligation, these copies to be authenticated by the secretary of state or other officer having authority; also a copy of the record of the organization of the corporation and of the selection and qualification of the officers, as well as a copy of the by-laws or other records authorizing certain officers of the corporation to execute bonds in its behalf, these copies to be duly certified by the custodian of such records, under the seal of the corporation, to be correct copies. There will also be filed an itemized statement of the financial condition of the company showing its assets and liabilities, and a statement of the amount of its existing obligations as surety, duly certified under the corporate seal by the custodian of the records of the corporation to have been compared by him with the records and found to be correct. These papers will not be attached to the bond. All papers specified and a statement of the financial condition of the company will be furnished as often as the Secretary of War may require; provided, however, that the financial statement will be furnished semiannually, without being called for, and the evidence as to the selection and qualification of the officers of the company will be furnished immediately after their election; and whenever any change is made in their authority to execute bonds, evidence thereof will be immediately furnished.

575. In case of financial embarrassment, failure, or other disqualifying cause on the part of the surety to a bond, the Secretary of War will require the bond to be renewed to his satisfaction, upon notification to the principal.

576. Before a corporation will be accepted as surety it must obtain authority in writing from the Attorney-General to do business under the act of August 13, 1894, and must file with the Secretary of War a copy of such authority, duly certified as a true copy by the Department of Justice.

577. Before a corporation will be accepted as surety on the bond of a principal residing in a State or Territory other than the one in which it was incorporated, it must comply with the requirements of section 2 of act of August 13, 1894, as to the appointment of an agent on whom process may be served, etc., and must file with the Secretary of War a copy of the power of attorney to such agent, authenticated under the seal of the United States district court for the judicial district within which the agent resides, or the certificate of the Department of Justice that the company has complied with the provisions of section 2 of said act of August 13, 1894.

578. The principal and surety must sign and seal the bond. The corporate seal of the corporation must be affixed to the bond by some person duly authorized, who must also affix the name of the corporation to it, followed by his own signature and official designation written after the word "by." The names and places of business of the principal and surety must be written in the body of the bond.

ARTICLE LVII.

MONEY ACCOUNTABILITY.

PUBLIC MONEYS.

579. The use of moneys for purposes other than those for which appropriated, liquidation of liabilities of one fiscal year by use of moneys appropriated for another, and expenditures in a fiscal year of any sum in excess of appropriations for that year, or involving the Government in any contract for future payment of money in excess of appropriations, except as authorized by paragraph 515, are prohibited.

580. Chiefs of bureaus will see that funds in the hands of a disbursing officer are limited to his requirements for a brief period, and that as much as practicable of public moneys placed to his credit is kept with the Treasurer or an assistant treasurer of the United States. Estimates for funds should state the most convenient places of deposit.

581. Lists of national-bank depositories, designated for the use of disbursing officers, with the amounts of securities filed by each with the United States Treasurer, will be published from time to time in orders from the Adjutant-General's Office.

582. Where there are two or more designated depositories in the same place, credits should be so regulated by each disbursing officer there stationed as to maintain, as far as possible (by deposits, disbursements and transfers), a proportion between the amount of his credit at each depository and the amount of securities filed by it with the United States Treasurer. Transfers from one depository to another are not authorized, except through the Treasury Department.

583. When an officer disburses money in different capacities, his deposits and accounts will be kept distinct, according to the bureaus to which they pertain.

584. Public moneys subject to disbursement coming into the hands of an officer from any source must be promptly placed by him to his credit with the Treasurer or an assistant treasurer of the United States, or a duly designated depositary, or transferred to a disbursing officer of that branch of the public service to which the money pertains; in either of which cases a receipt will be obtained. Exceptions to this rule are allowed where a disbursing officer has been specially authorized by the Secretary of War to keep in his personal possession, at his own risk, the public moneys which have been intrusted to him for disbursement, and money in hand may be disbursed at once without being placed in depositories if payments are due. The amount of subsistence funds which a commissary may keep in his personal possession, at his own risk, is stated in orders from the War Department.

585. A disbursing officer ceasing to act as such and having public funds to his credit in any office or bank will at once inform the Secretary of the Treasury stating what checks drawn against the same are still outstanding and unpaid.

586. All amounts of money held at the end of each fiscal year by the Treasurer, an assistant treasurer or a designated depositary, credited to a disbursing officer whose account has remained unchanged, either by deposit or payment, for the space of three years, shall be covered into the Treasury, to be placed to the credit of such officer if it be found that he is entitled to the credit.

DISBURSING OFFICERS.

587. No officer disbursing money for the military service, or directing the disbursement thereof, shall be concerned individually, directly or indirectly, in the purchase or sale of any article intended for, used by, or pertaining to the department of the public service in which he is engaged.

588. No officer or clerk of a disbursing officer shall be interested in the purchase of any soldier's certificate of pay due, or any other claim against the United States.

589. Officers or agents in the military service will not purchase supplies for the Government from any other person in the military service, nor contract with any such person to furnish supplies or service to the Government, nor make any Government purchase or contract in which such person shall be admitted to share or receive benefit.

590. If any disbursing officer shall bet at cards or any game of hazard his commanding officer will suspend his functions, require him to turn over all public funds in his keeping, and will immediately report the case to the proper bureau of the War Department. He will also report the case to the department commander, who will at once convene a court-martial for the trial of the officer.

591. Every disbursing officer, in opening his first account and before issuing any checks, will furnish the depositary on whom the checks are to be drawn with his official signature, duly verified by some officer whose signature is known to the depositary.

592. For every Treasury draft received by a depositary to be placed to the official credit of a disbursing officer, and for every deposit of funds made by the officer to his official credit, subject to payment of his checks, a receipt, numbered in serial order, and giving the place and date of issue, will be furnished him by the depositary, setting forth the character of the funds, i. e., whether coin or currency. If the credit is made by a disbursing officer's check transferring funds, the essential items of the check will be enumerated, and if by a Treasury draft, the warrant number. The title of the officer will be expressed, and the title of the account will also show for what branch of the public service it is kept. The receipt, called "a disbursing officer's receipt," will be retained by the officer in whose favor it is made.

593. An officer is not authorized to insure public money or property, and he will not be allowed credit for any expense paid for the collection of money on checks, except as provided for military attachés serving abroad.

TRANSFERS.

594. Public funds will, in general, be transferred as follows: The officer making the transfer will draw his check directing the depositary to place a stated amount to the official credit of the officer named therein. The check will be sent to the depositary and not to the officer in whose favor it is drawn. If it is necessary that the officer to whom the funds are transferred shall receive them without delay, the transferring officer may draw his check and transmit the same direct to the officer requiring them. In either case, invoices of the funds transferred are sent to the receiving officer.

595. Funds will not be transferred from one appropriation for the use of another, by borrowing or otherwise.

CHECKS.

596. A disbursing officer may draw his check in favor of himself "or bearer" for making payments of amounts not exceeding $20; for making payments at a distance from a depository; or for making payments of fixed salaries due at a certain period, if the check be not drawn more than two days before the salaries become due. In all other cases checks will be made payable to "order" or "bearer," and will be drawn only in favor of the persons, firms or corporations, by name, to whom the payments are to be made.

597. Each check of a disbursing officer must state on its face the object of the expenditure, and in case of payment to officers or enlisted men, the period covered by the payment. Such statements must be brief but clear, as, for instance, "pay," "pay roll," or "payment of troops," adding the post or station; "purchase of subsistence" or of other supplies, naming them; "on contract for construction," mentioning the fortification or other public work for which the payment is made; "payments under $20," etc. Payment is refused on all checks where this requirement is disregarded, and report of the fact made to the Treasury.

598. Disbursing officers will not pay an account until it is due. In cases of contracts for the performance of service or delivery of articles, payment will not exceed the value of services rendered, or articles actually delivered.

599. When an original check of a disbursing officer, not exceeding $2,500 in amount, has been lost or destroyed, a duplicate check may be issued by him, after six months and within three years of the date of the original, upon the owner filing with him the notice and proof of loss and the indemnity bond required by sections 3646 and 3647, Revised Statutes, and act of February 16, 1885. In case the disbursing officer who issued the original check is no longer in the service, the notice and proof of loss, and the indemnity bond will be sent to the Secretary of the Treasury prior to the issue of a duplicate check. The proper accounting officer of the Treasury will state an account in favor of the owner of said check and charge the amount thereof to the account of such officer. Instructions for the execution and use of the affidavit and bond, and the issue of the duplicate check, accompany the blank form furnished by the Treasury Department.

600. In case of the death, resignation or removal from active service of a disbursing officer, any check previously drawn by him, and not presented for payment within four months of its date, will not be paid until its correctness shall have been attested by the Secretary or Assistant Secretary of the Treasury.

601. A check drawn by a disbursing officer still in active service, presented before it shall have been issued three full fiscal years, will be paid in the usual manner by the office or bank on which it is drawn, and from funds to the credit of the drawer.

602. At the close of each fiscal year every disbursing officer will make a return to the Secretary of the Treasury, through the proper channels, of all outstanding checks issued by him three years or more prior thereto, giving the names of payees and their residences when known, the purposes for which and places on which the checks were drawn, with amounts, numbers and dates of same, and the numbers of the vouchers received therefor.

603. At the close of each fiscal year all amounts remaining to the credit of a disbursing officer, represented by checks or drafts drawn upon the Treasurer, an assistant treasurer, or any designated depositary, three or more years prior thereto, will be covered into the Treasury and there stand to the credit of the payees in an appropriation account denominated "outstanding liabilities."

604. A check which has been issued for a longer period than three full fiscal years will be paid only by the settlement of an account in the Treasury Department. For this purpose the check will be transmitted, through the proper channels, to the Secretary of the Treasury.

OFFICIAL CHECK BOOKS.

605. Official check books are issued by the Treasurer and assistant treasurers of the United States direct to disbursing officers who have public money on deposit with them. Rules for issue, transfer, etc., of these check books accompany each book.

606. Official check books on national bank depositories are furnished by chiefs of bureaus, by whom records of blank checks issued will be kept and to whom unused checks will be returned. Rules for issue, transfer, etc., of these check books accompany each book. In making payments, only official checks will be used.

607. Mutilated official checks will be forwarded to the depository to which they pertain, and a record of the date of transmission made on the stub.

CERTIFICATES OF DEPOSIT.

608. Public moneys are transferred to the general Treasury by being deposited to the "credit of the Treasurer of the United States," either at the Treasurer's office, or at the office of one of the assistant treasurers, or at one of the designated depositories. All "miscellaneous receipts on account of proceeds of Government property" (paragraph 615) must be deposited; also, when required by chiefs of bureaus to which the funds pertain, the public moneys in the possession of or to the credit of disbursing officers or others. For each deposit made a "certificate of deposit" in duplicate will be given, showing the full name, rank, regiment or corps of the depositor, and to what appropriation or fund the amount belongs, the depositor giving the necessary information when making the deposit.

609. The "originals" of all certificates of deposit will, immediately upon their issue, be forwarded direct to the Secretary of the Treasury by the depositors (not the depositaries), who, before transmitting them, will see that their amounts correspond to the sums actually deposited. Each certificate forwarded will contain or be accompanied by a statement showing distinctly the source from which the money was derived, i. e.:

1. If a balance of funds for disbursement, the appropriation and fiscal year will be correctly named.

2. If in refundment of an overpayment, when, by whom and upon what voucher the overpayment was made.

3. If from stoppages on pay rolls on account of loss of or damage to property by employees, or on account of sales to them, for which property the depositing officer is himself responsible, the character of the property and the date of loss or sale will be given and a reference made to the officer's property voucher accounting for the same.

4. If from stoppage on account of loss, damage or sale of property for which an officer other than the depositing officer is responsible, the name of the responsible officer will be given, with a list of persons from whom deductions were made, stating character of property and amount deducted in each case.

5. Deposits of funds received from sales to officers and enlisted men, or on account of losses or forfeitures, will be fully explained.

610. A disbursing officer of one staff department making stoppages on account of the funds or property of another staff department will, in the absence of special instructions to the contrary, deposit the funds so received, and not leave them to be transferred upon the settlement of his accounts at the Treasury.

611. Nothing in the two preceding paragraphs will be construed to affect the existing system of depositing collections by paymasters of the Army.

612. The number, date and amount of the certificate of deposit, together with the specific appropriation, if named, will be noted on the account current upon which the depositor desires to be credited with the money deposited. Certificates of deposit will not be filed with accounts current. Officers will state in such accounts dates of deposits and name and location of depository.

613. Certificates of deposit must be recorded in the proper bureaus of the War Department. The "originals," upon their receipt at the Treasury, are immediately forwarded to the Secretary of War, who refers them to the proper bureaus to which the deposits pertain for verification and designation of the appropriation.

PROCEEDS OF SALES.

614. Moneys received for stores, materials or supplies (except subsistence stores) sold to officers, enlisted men, or exploring or surveying expeditions authorized by law will be deposited to the credit of the Treasurer of the United States, and respectively revert to the appropriation out of which originally expended. Proceeds of sales of useless ordnance material are expended under conditions prescribed by law. Proceeds of sales of subsistence supplies are immediately available for the purchase of fresh supplies.

615. The proceeds of sales of all public property, the disposition of which is not provided for by the preceding paragraph, after the expenses of sale have been deducted, will be deposited to the credit of the Treasurer of the United States as "Miscellaneous receipts on account of proceeds of Government property," for which certificates of deposit will issue, showing the name, rank, regiment or corps of the depositor, the nature of the deposit, the kind of property and the bureau to which it pertained.

616. The transfer of public property from one bureau or Department to another is not regarded as a sale. If money is received therefor, it may be used to replace such stores and will be reported accordingly.

APPROPRIATIONS.

617. The fiscal year ends on June 30. The quarters of the fiscal year are as follows: First quarter, July 1 to September 30; second, October 1 to December 31; third, January 1 to March 31; fourth, April 1 to June 30.

618. Chiefs of bureaus, in notifying officers of remittances, will inform them of the amount remitted under each head of appropriation, giving the designation by fiscal years when necessary.

619. Accounts current, abstracts and vouchers, including transfers and refundments, will have noted in red ink on the face and also in the brief on the back the fiscal year to which the funds pertain.

620. No account current, except in the Pay Department, will contain accounts of different years; and no item will be entered thereon unless it pertains to the fiscal year to which the account belongs.

621. Money received and disbursed under the appropriation for contingent expenses of the Army will be accounted for by officers authorized to disburse it, on special accounts current, in which funds belonging to other appropriations will not be entered.

622. When an article purchased is not named in the appropriation act, the purpose for which it is intended determines the appropriation from which payment is made.

623. All public funds on hand at the close of a fiscal year, except those required to pay outstanding liabilities incurred during such year (a schedule of which will if possible accompany the last account current for the year) and "no limit" appropriations, will be deposited to the credit of the Treasurer of the United States and the disbursing officer's account closed by a credit for such deposit.

624. Balances retained after the close of the fiscal year for the purpose of paying outstanding liabilities, will be carried to a "supplemental account current" for the fiscal year to which the funds pertain.

625. When disbursements are made from such balances, accounts will be rendered as "supplemental accounts" for the fiscal year to which the funds pertain. Admitted errors, to be refunded, except in the Pay Department, will be taken up on an account current for the fiscal year in which the errors occurred.

ACCOUNTS CURRENT.

626. Accounts current will be made in duplicate; one copy, accompanied by abstracts and vouchers, will be forwarded to the chief of the bureau, and the other retained by the officer. The forms of accounts current and abstracts furnished by the chief of the bureau in which the officer is serving will be used.

627. Disbursing officers who render accounts which eventually pass to the Treasury Department for settlement are required to prepare their accounts, with abstracts and vouchers complete, and deposit them in the post-office, addressed to the chief of the bureau of the War Department to which they pertain, on or before the 10th day of each month. Irregularities in the mail service or want of blank forms will not excuse a failure to comply with this paragraph. When vouchers are not sent with the account to which they belong, but are subsequently rendered, suitable explanation will be made.

628. Original vouchers will, if possible, accompany the accounts; copies will not be accepted unless duly certified and accompanied by satisfactory evidence of the loss or destruction of the originals, or that their retention is indispensable to the performance of duty by an officer.

629. With the accounts will be forwarded all orders of commanding officers and all other papers upon which the officer accountable relies to relieve himself from responsibility.

630. When an officer is relieved from duty in a staff department at any station he will certify outstanding debts if any, to his successor, and transmit a list of the same to the head of the proper bureau. Unless otherwise ordered, he will turn over to his successor the public money, property, books and papers pertaining to the service from which he is relieved.

MONEY VOUCHERS.

631. Vouchers will ordinarily be made in duplicate, or, if required, in triplicate, and the number made will be stated on each copy.

632. The correctness of the facts stated on a voucher and the justness of the account must be certified by an officer.

633. Every voucher in support of a payment for supplies, or for services other than by the day or month, whether it be made pursuant to a formally prepared contract, an accepted bid, or a purchase without advertising (unless it comes within the excepted cases provided for in the following paragraph), must have attached to it an original bill furnished by the creditor, dated and signed by him or his authorized representative, giving his place of business or residence, and stating (if for supplies furnished) the date of the purchase, the quantity and price of each article, and the amount or (if for services other than by the day or month) the character of the services, the date or dates on which rendered, and the amount. A voucher so accompanied will be made out in favor of the creditor, giving his address, and may state the account in general terms, with the aggregate amount only extended, and the words "as per bill hereto attached," or words of like import, added. Where a purchase under an accepted bid after public notice is made in the Quartermaster's or Subsistence Department, the voucher, besides being subject to the foregoing requirements, will be accompanied by a copy of the public notice, the accepted bid and a copy of the letter accepting the bid, and must contain a certificate that the award was made to the lowest responsible bidder for the best and most suitable articles, and that the needs of the service required the purchase to be made in the manner indicated by the public notice. Where papers relating to two or more vouchers are required to accompany accounts, they must be filed with the first voucher paid, and reference thereto made on the other vouchers. A voucher for services by the day or month must state the nature of the service, the inclusive dates of service, the time for which payment is made, the rate of pay and the amount.

634. When a creditor is unable for any cause to make out his bill, or to have it made out, the disbursing officer must set forth on the voucher all the details of the account, as required for the bill by the preceding paragraph, and must give reasons in full on the voucher why a bill is not furnished. Original bills need not be attached to vouchers in the following cases, viz: Where, under a contract, quantities delivered or amounts due are determined by a duly authorized inspector, and his certificate as to the facts is filed with the voucher to which it pertains; where a bill of lading or transportation request accompanies a voucher for transportation services performed under public tariffs; where a voucher is for telegraphic services

at rates fixed by the Postmaster-General; where a voucher is for services by the day or month, or where a creditor makes out his bill on a blank form of voucher and certifies to its correctness.

635. Money amounts will be expressed in terms of dollars and cents. When a fraction of a cent less than one-half occurs in the footing of a voucher it will be disregarded. If the fraction be one-half or greater it will be reckoned as a cent.

636. A voucher for a purchase, or for services not personal, must have expressed on its face, immediately below the statement of the account, the mode of purchase or engagement, using therefor one of the following notations:

1. Under contract, dated ——, 18 .
2. Under public notice, dated ——, 18 .
3. Under oral agreement, without advertising.

637. The giving or taking of receipts in blank for public money is prohibited.

638. A voucher for funds disbursed will, before being signed by a public creditor, be made out in full, with the place of payment and the name, rank, regiment or corps of the paying officer entered in the receipt, and the exact amount of money written out in words in the receipt. When vouchers are sent by mail for signature the date in the receipt will be left blank, and the check in payment will not be drawn until the vouchers are returned properly signed, when the date of the check will be added to the receipt.

639. Invoices of and receipts for funds transferred will state place and date of transfer, the name, rank, regiment or corps of the officer from whom the money is received, the kind of funds transferred, and the amount transferred under each head of appropriation. If the transfer is for the correction of errors, whether arising upon the settlement of accounts or otherwise, the facts will be noted in detail on both invoice and receipt. The receiving officer or agent will indorse upon the invoice the exact date of the receipt given by him and will file it with the account current on which he acknowledges receipt of the funds. Any discrepancy as to the appropriation, fiscal year or amount, which may exist between the invoice and receipt when the latter is properly made out will be noted and explained on both invoice and receipt by the officer or agent receiving and receipting for the funds.

640. Vouchers for payment made, and invoices and receipts for money transferred, will have noted upon them the number, date, and amount of checks given, and the depository on which drawn. If payment is made by currency in part or in whole, the facts will be stated.

641. A receipt to a voucher which has been made out in favor of a firm by name must be signed in the firm name by one of the partners known by the disbursing officer to be a member of the firm, when the disbursing officer has no notice of any arrangement among the partners that such member has no authority to bind the firm. The receipt should be signed in the firm name by the partner, who should append his own signature as "one of the firm." A receipt signed for a firm or individual by a clerk or other person will not be accepted.

642. A receipt to a voucher which has been made out in favor of a corporation by name must be signed by the treasurer or other officer of the corporation in his official capacity, who will be required to file with the voucher evidence of his authority for so doing. This evidence may be a properly verified extract from the articles of incorporation or from the by-laws or from the minutes of the board of directors.

643. The authority to receive and receipt for money due a corporation must be filed with the voucher which is forwarded with the account current of the disbursing officer to the chief of bureau. If subsequent payments are made under the same authority the disbursing officer will refer, on the voucher therefor, to the voucher with which the authority is filed.

644. Receipts for small sums for occasional service paid to corporations, such as railroad, telegraph, turnpike, transfer, express, steamboat, hotel, newspaper, and ice companies, may be signed by the local agent in charge of the business of the company at the place where the service is rendered, or where it begins or terminates, and the certificate of the officer making payment that the person to whom payment was thus made was then the local agent of the company, in charge of its business at the place designated, will be sufficient evidence of the agent's authority to receive and receipt for the money paid.

645. When an account is presented by an individual who is not known to the disbursing officer, the latter will require him to be identified.

646. The signature to the receipt and the name of the person or business firm as entered at the head of an account must be literally alike.

647. When a signature is not written by the hand of the party it must be witnessed, and by a commissioned officer when practicable.

648. In final statements, receipts for money and papers of like character, money amounts will, in all cases, be written out in full and also expressed by figures in parentheses. This requirement does not apply to muster and pay rolls and pay rolls of other descriptions.

649. Fees of civil officers for administering oaths in matters of military administration (where the services of judge-advocates of departments or of courts-martial, or trial officers of summary courts were not obtainable) will be paid from the appropriation applicable to the subject-matter of the oaths, and in case there be no appropriation applicable thereto, the fees will be paid by the Quartermaster's Department.

650. Disbursing officers will not issue vouchers for unpaid accounts as due bills against the United States, but a certified statement of personal services and of wages due may be given to a discharged employee who for want of funds was not paid at time of discharge.

651. When applicable, the following rules for the computation of time in payment for services will be observed:

1. For any full calendar month's service, at a stipulated monthly rate of compensation, payment will be made at such stipulated rate, without regard to the number of days in that month.

2. When service commences on an intermediate day of the month, thirty days will be assumed as the length of the month, whatever be the number of days therein.

3. When the service terminates on an intermediate day of the month, the actual number of days during which service was rendered in that calendar month will be allowed.

4. When the service embraces two or more months or parts of months but one fraction will be made, thus: From September 21 to November 25, inclusive, will be calculated: September 21 to October 20, inclusive, one month; from October 21 to November 20, inclusive, one month; from November 21 to 25, inclusive, five days—making the time allowed two months and five days.

5. When two fractions of months occur and both are less than a whole month, as from August 21 to September 10, the time will be determined thus: August 21 to 30, inclusive (ignoring the 31st), ten days; from September 1 to 10, inclusive, ten days—making the time allowed twenty days.

6. Service commencing in February will be calculated as though the month contained thirty days, thus: From February 21 to 28 (or 29), inclusive, ten days. When the service commences on the 28th day of that month three days will be allowed, and if on the 29th two days.

7. If service commences on the 31st day of any month, payment will not be made for that day.

8. For commutation of subsistence and for services of persons employed at a per diem rate, payment will be made for the actual number of days.

9. When services are rendered from one given date to another, the account will state clearly whether both dates are included.

10. In computing the wages of persons employed at a per diem allowance, the day on which service begins and the day on which it ends will be allowed in the computation.

652. Disbursing officers will not settle with heirs, executors, or administrators except by authority of the proper bureau of the War Department, and upon accounts that have been duly audited and certified by the proper accounting officers of the Treasury.

PECUNIARY RESPONSIBILITY OF OFFICERS.

653. An officer will have credit for an expenditure of money made in obedience to the order of his commanding officer. Every order issued by any military authority which may cause an expenditure of money in a staff department will be given in writing. One copy thereof will be forwarded by the officer receiving it to the head of his department, and the other will be filed by the disbursing officer with his voucher for the disbursement. If the expenditure be disallowed it will be charged to the officer who ordered it.

654. If a payment made on the certificate of an officer as to the facts is afterwards disallowed for error of fact in the certificate, it will pass to the credit of the disbursing officer and be charged to the officer who gave the certificate; but the disbursing officer can not protect himself in an erroneous payment made without due care by charging lack of care against the officer who gave the certificate.

ADMINISTRATIVE EXAMINATION OF MONEY ACCOUNTS.

655. The chief of a bureau to which accounts pertain will cause each account current, with its accompanying papers, to be examined and transmitted to the Treasury Department, with his decision indorsed thereon, within twenty days from the date on which such account was received at his office. He will bring to the notice of the Secretary of War all matters of account that require or merit it. When a suspension or disallowance is made, the bureau will notify the officer that he may have an opportunity to submit explanations or take an appeal to the Secretary of War.

656. In case of discovered error or disallowance in an account upon its examination by the proper authority the officer responsible will, upon notification thereof, unless able to furnish evidence to correct or remove the same, make the proper correction in his next account current, and refer therein to the particular voucher in which the error occurred or the disallowance was made.

ARTICLE LVIII.

PUBLIC PROPERTY ACCOUNTABILITY AND RESPONSIBILITY.

GENERAL PROVISIONS.

657. Accountability and responsibility devolve upon any person to whom public property is intrusted and who is required to make returns therefor. Responsibility without accountability devolves upon one to whom such property is intrusted, but who is not required to make returns therefor. Thus, with respect to quartermaster's supplies intrusted to a company or detachment commander, responsibility but not accountability attaches.

658. The officer in permanent or temporary command of a post or station is responsible for the security of all public property of the command, whether in use or in store, and although for purposes of periodical accountability to the War Department it may all have been officially receipted for by subordinate officers, the commanding officer is nevertheless responsible and pecuniarily liable with them for the strict observance of the regulations in regard to its preservation, use, and issue. He will take care that all storehouses are properly guarded, that only reliable agents are employed, and only trustworthy enlisted men are detailed for duty in them or in connection with property.

659. If an officer in charge of the public property of a command (not properly pertaining to a company or detachment) is, by order, leave of absence, or any other cause, separated from it, the commanding officer or an officer designated by him will receipt and account for it.

660. If it becomes necessary to remove all officers from the charge of public property, the commanding officer will take measures to secure it and report the circumstances to the proper authority.

661. A company or detachment commander is responsible for all public property pertaining to his company or detachment and will not transfer his accountability therefor to a successor during periods of absence of less than a month, unless so ordered by competent authority; when such absence exceeds a month, the question of responsibility is settled by the proper authority.

662. The officer in temporary or permanent command of a company or detachment is responsible for all public property used by or in possession of the command, whether he receipt for it or not.

663. The property responsibility of a company commander can not be transferred to enlisted men. It is his duty to attend personally to its security, and to superintend issues himself or cause them to be superintended by a commissioned officer.

664. An officer will not, when it can be avoided, be detailed for duty which will separate him from public property for which he is accountable.

665. A transfer of public property involves a change of possession and accountability. The transferring officer will furnish the receiving officer with invoices, in duplicate, accurately enumerating the property, and the latter will return duplicate receipts. The transaction will appear on the property returns rendered by each.

666. When an officer to whom stores have been forwarded believes them to have miscarried he will promptly inform the issuing and forwarding officers.

667. If an officer to whom public property has been transferred refuses to receipt for it, the invoicing officer will report the facts to the commanding officer of the former for action. Copies of all papers relating to the transaction will be filed with his returns.

668. Upon the receipt of public property by an officer he will make careful examination to ascertain its quality and condition, but will not break original packages until issues are to be made, unless he has reason to believe the contents defective. Should he discover defect or shortage, he will apply for a board of survey to determine it and fix the responsibility. Should he consider the property unfit for use, he will submit inventories in triplicate and request the action of an inspector. The same rule will be observed in regard to packages when first opened for issue, and for property damaged or missing while in store.

669. When packages of supplies are opened for the first time, whether because of apparent defect or for issue, the officer responsible or some other commissioned officer will be present and verify the contents by actual weight, count, or measurement, as circumstances may require, and in case of deficiency or damage will make written report of the facts to the post commander. If only the officer responsible be present and make the report, he will secure the sworn statements in writing of one or more civilians or enlisted men regarding the condition of the property when examined. Should a board of survey be convened, the post commander will refer to it the report made by the examining officer, together with the sworn statements. At arsenals and depots where there are persons whose special duty it is to receive and issue public stores, the reports herein required may be made by them instead of officers of the Army.

670. The giving or taking of receipts in blank for public property is prohibited.

671. Supplies procured by one bureau will not be furnished to another, except by special authority of the Secretary of War. When furnished and restored in kind, they will be delivered at the post from which received, or at such other post as department commanders or chiefs of bureaus concerned may determine. If the transaction is between two bureaus of the War Department, payment will be made at the contract or invoice price of the stores; when between a bureau of the War Department and any other Executive Department, the amount to be paid will include the contract or invoice price and cost of transportation.

672. In no case will means of transportation or other property of any branch of the military service be taken as a part of the outfit of surveying or exploring expeditions for which Congress has made appropriations, without the express authority of the Secretary of War.

673. When it is impracticable for an officer to personally superintend his issues—as may be the case with one charged with disbursements, or the care of depots—he should choose with great caution the agent to whom he intrusts the duty.

674. The keys of store rooms or chests will not be intrusted to enlisted men or civilians, without great vigilance on the part of the accountable officer and a resort to every reasonable precaution, including frequent personal inspections, to prevent loss or damage.

675. An officer in charge of public property in use or in store will endeavor by timely repairs to keep it in serviceable condition. For this purpose the necessary means will be allowed on requisition, and property in store so repaired will be issued.

676. All movable public property will if practicable be conspicuously branded "U. S." before being used.

677. Public property will not be used nor will labor hired for the Government be employed for any private purpose whatsoever, except as authorized in these regulations.

678. For property worn out in the public service the preliminary action of a board of survey is not necessary, and the accountable officer will submit inventories thereof and ask for an inspector's action. When the action of a board of survey and an inspector are necessary, the inventory will be accompanied by a copy of the proceedings of the board.

679. Military stores and public property condemned and ordered sold will be disposed of at auction, for cash, on due public notice and in such market as the public interests may require. The officer making the sale will suspend it when in his opinion better prices can be obtained, except in the case of condemned animals, the disposition of which is provided for in paragraph 1037. The auctioneer's certified detailed account of the sale, and the vouchers for the expenses attending it, will be reported on the proper forms to the chief of the bureau to which the property pertained and a copy of the auctioneer's detailed account of the sale will be furnished the Inspector-General.

680. Public property which has been condemned, or the issue price of which has been reduced by a board of survey, will not be purchased by an officer who was responsible therefor at the time of condemnation or reduction of price, nor by an officer who bore any part in such condemnation or reduction.

DAMAGED, LOST, DESTROYED, ETC.

681. Causes of damage to, and of loss and destruction of, military property are classified as follows:

1. Unavoidable causes, being those over which the responsible officers have no control, occurring (*a*) in the ordinary course of service, or (*b*) as incident to an active campaign.

2. Avoidable causes, being those due to carelessness, willfulness, or neglect.

682. Officers responsible for property will be charged for any damage to, or loss or destruction of the same, and the money value deducted from their monthly pay, unless they show, to the satisfaction of the Secretary of War, by their own affidavits or certificates or by one or more depositions that the damage, loss or destruction was occasioned by unavoidable causes, and without fault or neglect on their part.

683. The proper officers to administer oaths in the administration of the affairs of the Army (except when otherwise specially provided) are judge-advocates of departments, judge-advocates of courts-martial, and trial officers of summary courts. When none of these are within reach and available, recourse must be had to a notary public or other civil officer competent to administer oaths for general purposes.

684. If an article of public property be lost or damaged by the neglect or fault of any officer or soldier, he shall pay the value thereof, or the cost of repairs, at such rates as a board of survey may determine.

685. The amount charged against an enlisted man on the muster and pay rolls on account of loss or damage of or repairs to Government property shall not exceed the value of the article or cost of repairs; and such charge will only be made on conclusive proof, and never without an inquiry, if the soldier demand it. He will be informed at the time of signing the pay rolls that his signature will be regarded as an acknowledgment of the justice of the charge.

686. When a deserter carries away public property, or when such property is lost through his desertion, its value will be determined by a board of survey and charged against him on the next muster and pay rolls.

687. If articles of public property are embezzled, or lost or damaged through neglect, by a civilian employee, the value or damage as ascertained (and by a board of survey if necessary) shall be charged to him and set against any pay or money due him.

688. Whenever information is received that animals or other property belonging to the military service of the United States are unlawfully in the possession of any person not in the military service, the quartermaster, or other proper officer, will promptly cause proceedings to be instituted and diligently prosecuted before the civil authorities for the recovery of the property, and, if the same has been stolen, for the arrest, trial, conviction, and due punishment of the offender and his accomplices.

689. Upon satisfactory information that such United States property, unlawfully in the possession of any parties, is likely to be taken away, concealed, or otherwise disposed of before the necessary proceedings can be had in the civil tribunals for its recovery, the post or detachment commander will at once cause the same to be seized, and will hold it subject to any legal proceedings that may be instituted by other parties. Persons caught in the act of stealing public property will be summarily arrested by the troops and turned over to the civil authorities for trial.

690. Quartermasters, after they have failed to get possession of a lost or stolen animal by the ordinary means, may authorize the payment of a reward of not more than $25 for its recovery. If the animal has been stolen, they may offer an additional reward of like amount for each person arrested, tried, convicted, and sentenced for the theft.

691. The expenses necessarily incurred by any action under the three preceding paragraphs, with the exception of attorney's fees, will be paid by the Quartermaster's Department, upon proper vouchers approved by the department commander. Officers will promptly report their action to department headquarters.

PROPERTY ACCOUNTABILITY.

692. All public property, whether paid for or not, must be accounted for on the proper returns.

693. An officer accountable for the public property of two or more companies will account for that pertaining to each, except quartermaster's supplies, on a separate return.

694. Accountability for public property will not be transferred to enlisted men, except to sergeants of the post noncommissioned staff at ungarrisoned posts, and sergeants of the Signal Corps.

695. Vouchers for issues or expenditures of property not authorized by regulations will be accompanied by copies of the orders directing the issues or expenditures.

696. An officer will have credit for an expenditure of property made in obedience to the order of his commanding officer. If the expenditure is disallowed, it will be charged to the officer who ordered it.

697. Public property expended, lost, or destroyed in the military service must be accounted for by affidavit, or the certificate of a commissioned officer, or other satisfactory evidence.

698. When an enlisted man has, by a court-martial, been convicted of losing or damaging public property, the officer responsible for the property will send with his property return a certified copy of so much of the court-martial order as refers to the case, giving number, date, and place of issue of the order, and stating on the face of said copy the rolls on which the charges are made.

699. Should an officer or agent of the Government charged with public property fail to render the prescribed returns thereof within a reasonable time, a settlement of his accounts will be made by the proper bureau of the War Department, and the money value of the property with which he is charged will be reported against him for stoppage.

700. All returns of stores or supplies will be rendered as required by regulations or orders. Those of subsistence stores and subsistence property will be forwarded within ten days after the expiration of the accounting periods, and those of other classes of stores and property within twenty days, to the chiefs of bureaus to which they pertain. Abstracts of purchases will be forwarded with the money accounts.

ADMINISTRATIVE EXAMINATION OF PROPERTY RETURNS.

701. As soon as possible after the receipt of a return by the proper chief of bureau, it will be examined in his office, and the officer making the return will be notified of all errors and irregularities found therein and granted three months to correct them. Suspensions or disallowances will not be made on account of slight informalities which do not affect the validity of a voucher, but the officer's attention may be called to them. Whenever the errors have been corrected or compensation has been made for deficient articles, and the action of the bureau chief is sustained or modified by the Secretary of War, the return will be regarded as settled, and the officer who rendered it will be notified accordingly.

702. If the necessary corrections in the return be not made within the prescribed time the facts will be reported to the Secretary of War. When it has been determined that the money value of the property for which an

officer has failed to account shall be refunded to the United States, the facts will be certified to the Auditor for the War Department by the chief of bureau.

ARTICLE LIX.

LANDS, BUILDINGS AND IMPROVEMENTS.

703. Land shall not be purchased for the United States except under an act of Congress authorizing the purchase, nor shall public money be expended for the erection of armories, arsenals, forts, fortifications, or permanent buildings of any description thereon, until the written opinion of the Attorney-General shall have been obtained announcing the validity of the title thereof in the Government, nor, if the land be within any State, until jurisdiction over it shall have been ceded to the United States by the legislature of the State.

704. All papers relating to the Washington Aqueduct and public buildings and grounds in the District of Columbia will be filed in the office of the Chief of Engineers. All other deeds and papers pertaining to the title or sale of, and any lease, grant, license, or easement of, upon, or over any military reservation or other lands under the jurisdiction of the War Department will be filed in the office of the Judge-Advocate-General. When any such papers come into the possession of any bureau they shall within five days thereafter be transferred to the office of the Judge-Advocate-General.

705. Permanent military buildings will be constructed only under special authority granted by an act of Congress, unless the work or labor connected therewith is performed by troops, and in such case the authority of Congress must first be obtained if the estimated cost of the building or structure exceeds $20,000.

706. Permanent barracks, quarters, or other buildings, or piers or wharves, will not be erected or constructed except by the order of the Secretary of War, and in accordance with plans approved by him; nor will any material alterations be made in public buildings unless like authority is first obtained; nor will any expenditures exceeding $500 be made upon any building or grounds at any post, fort, arsenal, or depot without the approval of the Secretary of War and upon detailed estimates submitted to him.

707. A copy of the plat of the lands at each post, fort, arsenal, and depot, furnished from the proper bureau, will be carefully preserved in the office of the commanding officer.

ARTICLE LX.

BOARDS OF SURVEY.

708. Public property which has been damaged, except by fair wear and tear, or is unsuitable for the service, before being submitted to an inspector for condemnation, will be examined by a board of survey. By order of the commanding officer, public animals may be killed to prevent contagion or terminate suffering; clothing infected with contagious disease, and stores that have become so deteriorated as to endanger health or injure other stores, may be destroyed; but in every case of this nature a board of survey shall act, and an inventory and inspection report signed by the accountable and

commanding officers will be prepared and forwarded. In urgent cases the taking of proof and the preparation of written proceedings by the board may follow the destruction of the property.

709. A board of survey will be called by the commanding officer of the post or station. It will be composed of three officers, exclusive of the commanding officer and those who are interested, if that number be present for duty; otherwise, of as many as are so present, exclusive of the commanding and interested officers; or if none but the commanding officer and interested officers be present for duty, then of the commanding officer. When only the responsible or interested officer is present, he will not constitute himself a board of survey, but will furnish the department commander his certificate of facts and circumstances, supported by affidavits of enlisted men or others who are cognizant thereof. Should a case thus presented not be considered satisfactory, or in a case in which only interested officers with opposing interests are present for duty at the post, the department commander may make the necessary investigation.

710. A board of survey must fully investigate matters submitted to it. It will call for all evidence attainable, and will not limit its inquiries to proofs or statements presented by parties in interest. It will rigidly scrutinize the evidence, especially in cases of alleged theft or embezzlement, and will not recommend the relief of officers or soldiers from responsibility, unless fully satisfied that those charged with the care of property have performed their whole duty in regard to it. In no case, however, will the report of a board take the place of the evidence required in paragraph 682.

711. The party responsible for the property to be surveyed will, in all cases, furnish the original certificates or affidavits upon which he relies to relieve him from responsibility, and the number of duly attested copies thereof required by a board of survey to accompany its proceedings.

712. A board of survey has no power to administer oaths, either to its members or to witnesses before it, but it should hear in person or by letter all persons concerned in the subject-matter before it.

713. A board of survey can not condemn public property. Its action is purely advisory. It is called for the purpose of ascertaining and reporting facts, submitting opinions, and making recommendations upon questions of responsibility which may arise through accident, mistake or neglect. For example, it investigates and determines questions involving the character, amount, and cause of damage or deficiency which public property may have sustained in transit, store, or use, and which is not the result of ordinary wear and tear of the service, and reports the investigation made, its opinions thereon, and fixes responsibility for such damage or deficiency upon the proper party. It makes inventories of property ordered to be abandoned when the articles have not been enumerated in the orders for abandonment. It recommends the prices at which damaged clothing may be issued, and the proportion in which supplies shall be issued in consequence of damage or deterioration that renders them, at the usual rate, unequal to the regulation allowance, fixing in each instance responsibility for actual condition. It verifies the discrepancy between invoices and the actual quantity or description of property transferred from one officer to another, fixes definitely amounts received for which the receiving officer must receipt, and ascertains, as far as possible, where and how the discrepancy has occurred. It inventories and reports the condition of property in the possession of deceased officers as provided for in paragraph 84.

714. The proceedings of a board of survey will be prepared in triplicate and signed by each member who concurs in the finding. Should a member not concur, he will submit a minority report, to be embodied in the record immediately after the majority report and signed by the dissenting member. The proceedings will then be submitted to the convening authority for approval or disapproval.

715. When the value of the property submitted for survey or the loss or damage to be inquired into does not exceed $500, and the interested officer does not request the department commander's action, the proceedings of the board will be considered complete for submission as a property voucher upon the approval of the convening authority. One copy will then be forwarded to department headquarters and the others delivered to the officer accountable.

716. Should the proceedings be disapproved by the convening authority, or should the value of the property submitted for survey or the loss or damage to be inquired into exceed $500, or, whatever the amount involved, should the officer pecuniarily interested request it, the proceedings in triplicate will be forwarded to the department commander for review, and with his action are complete. One copy will then be filed at department headquarters and the others sent to the accountable officer. But all proceedings of boards of survey, whatever their nature or the amounts involved, are subject on call to the approval or disapproval of the department commander or such other action on his part as the merits of the case or the interests of the Government may in his opinion require.

717. The proceedings of a board of survey which recommends the relief of officers and enlisted men from responsibility should not be approved unless full and careful investigation and convincing proof to sustain the board's findings appear.

718. Properly approved proceedings of boards of survey may be submitted as vouchers to property returns. They are not to be considered as conclusive until accepted by the Secretary of War. Until then they are to be regarded simply as the opinions and recommendations of disinterested officers, to aid in the settlement of questions of accountability between the Government and the individuals concerned. If, on examination in the proper bureau, they exhibit serious errors or defects either of investigation or of finding, they will not be accepted as sufficient vouchers, and the officer submitting them will be duly notified, that he may have opportunity to make explanations or appeal to the Secretary of War.

719. At posts or stations not under the control of department commanders commanding officers will be governed by these regulations in convening boards of survey and acting upon their proceedings, but in cases referred to in paragraph 716 will forward the papers to the chiefs of bureaus to which the property pertains.

720. Separate proceedings of boards of survey will be had for each staff department concerned.

721. Whenever a board recommends a stoppage against an enlisted man and the recommendation is approved, the convening authority will cause a copy of the proceedings to be furnished to the company commander, who will charge the amount on the next muster and pay-rolls of the company.

722. If an inspection of property follows the action of a board of survey thereon, one copy of the proceedings will accompany the inventory and inspection report which is transmitted as a voucher to the officer's returns, and another, with the inventory and inspection report, will be filed by the officer with his retained papers.

723. For private property of officers or enlisted men lost or destroyed in the military service, without fault or negligence on the part of the claimant, "where the private property so lost or destroyed was shipped on board an unseaworthy vessel by order of any officer authorized to give such order or direct such shipment," or "where it appears that the loss or destruction of the private property of the claimant was in consequence of his having given his attention to the saving of the property belonging to the United States which was in danger at the same time and under similar circumstances," compensation may be made under the provisions of the act of Congress approved March 3, 1885. Proceedings of a board of survey will, if possible, accompany each application under this act, showing fully the circumstances attending the loss.

ARTICLE LXI.

CIVILIAN EMPLOYEES.

GENERAL PROVISIONS.

724. In the staff corps and departments the employment of civilians will be regulated by the respective chiefs of bureaus under the direction of the Secretary of War. Those whose services are engaged with the intention or probability of retaining them for more than three months are classified as permanent employees. Their appointment, dismissal, promotion, or reduction will be made, under the supervision of the respective chiefs of bureaus, by the officers employing them, except as controlled by statute or the civil-service rules; but in selections for such employment preference will be given, as far as practicable, to applicants who have served meritoriously as enlisted men in the Army, and the appointments and promotions of all permanent employees, except mechanics, laborers, teamsters, and others of similar or kindred occupations, will be submitted for the approval or confirmation of the Secretary of War.

725. The clerks and messengers authorized by the act of Congress of August 6, 1894, will be employed and apportioned to the several headquarters and stations by the Secretary of War, and will not be ordered thence without his authority. All messenger service at the several department headquarters, except for staff officers not assigned to the department staff, and, as far as practicable, all clerical services thereat, will be performed by this class of employees.

726. Department commanders will confine expenditures for civilian employees within the allotments for the purpose made under the direction of the Secretary of War.

727. Civil engineers, clerks, inspectors, storekeepers, packers, watchmen, messengers, teamsters, mechanics and laborers will, as a rule, be engaged by the month, day, or piece, and paid at the end of each calendar month. They will be designated upon the rolls in the capacity in which employed and at the rates established. When discharged and not paid, certified statements will be given them.

728. Eight hours constitute a day's work for all mechanics and laborers employed by or on behalf of the United States, except in cases of emergency. This rule does not extend to engineers, firemen, seamen, watchmen, messengers, teamsters, and others, the nature of whose employment is peculiar and whose services may be necessary at any or occasionally at all hours of the day.

TRAVELING EXPENSES.

729. For authorized journeys of civilian employees of any branch of the military service transportation requests will be obtained when practicable, but will be obtained in every case for travel over bond-aided railroads.

730. Reimbursement of actual expenses when traveling under competent orders will be allowed, under the following heads, to civilians in the employ of any branch of the military service, excepting the expert accountant of the Inspector-General's Department, paymasters' clerks, and those mentioned in the next succeeding paragraph, viz:

1. Cost of transportation (excluding parlor-car fare) over the shortest usually traveled route, when it was impracticable to furnish transportation in kind on transportation requests.
2. Cost of transfers to and from railroad stations, not exceeding 50 cents for each transfer.
3. Cost of one double berth in a sleeping car, or customary state-room accommodation on boats and steamers when extra charge is made therefor.
4. Cost of meals not exceeding $3 per day while en route when meals are not included in the transportation fare paid; and not exceeding $3 per day for meals and lodgings during necessary delay en route.
5. Cost of meals and lodgings not exceeding $3 per day while on duty at places designated in the orders for the performance of temporary duty.

Veterinary surgeons of cavalry regiments traveling under proper orders, in accordance with paragraph 185, are not entitled to reimbursement under the fifth heading above given.

731. Laborers, teamsters, and employees of similar character, traveling under competent orders, will be entitled to such actual and necessary expenses of travel and subsistence as may be authorized by the chief of bureau which pays the accounts. Those in receipt of a ration under paragraph 1252 will not be allowed commutation therefor. If it be impracticable for them to carry rations in kind, rations will not be drawn for the period during which they are traveling.

732. None but the authorized items of traveling expenses of civilians will be allowed. They will in all cases be set forth in detail in each voucher for reimbursement supported by oath and, when practicable, by receipts.

733. Paymasters' clerks and the expert accountant of the Inspector-General's Department when traveling on duty will, when transportation in kind can not be furnished by the Quartermaster's Department, be reimbursed for cost of transportation paid by them exclusive of parlor or sleeping car fares or transfers, and will receive in addition thereto, for all travel whether or not on transportation requests, four cents per mile for each mile necessarily traveled by them in the performance of duty—distance to be computed over the shortest usually traveled route.

734. Actual traveling expenses, as contemplated in the preceding paragraphs, are paid by the following departments, viz:

Pay Department.—To paymasters' clerks, the expert accountant of the Inspector-General's Department, civilians summoned as witnesses before, and authorized reporters of, military courts.

Ordnance Department.—To employees at arsenals and armories (cost of transportation included) from appropriations for the service of the Ordnance Department.

Engineer Department.—To employees on public works and fortifications (cost of transportation included) from appropriations made specifically for the work.

Quartermaster's Department.—To employees of the Quartermaster's and Subsistence Departments, and other employees of the Army not above provided for.

735. When officers of the staff departments change station the transfer of clerks or other employees to the new stations at the expense of the United States is prohibited, except in cases of urgent necessity, for which the sanction of the Secretary of War will first be obtained. The Pay Department is excepted from this regulation.

ARTICLE LXII.

STAFF ADMINISTRATION.

736. The supply, payment, and recruitment of the Army, and the direction of the expenditures of the appropriations for its support, are by law intrusted to the Secretary of War. He exercises control through the bureaus of the War Department. He determines where and how particular supplies shall be purchased, delivered, inspected, stored and distributed.

737. When a chief of bureau of the War Department desires to change the station of an officer or enlisted man of his department, or to send him on duty peculiar thereto (except in cases of officers employed under the appropriation for the improvement of rivers and harbors, and of enlisted men belonging to the Signal Corps or detailed to duty therewith), he will make application for authority to do so through the Adjutant-General of the Army, setting forth the reasons for change or purpose of such journeys.

738. The assignment to stations of staff officers and of enlisted men of the staff departments will be made by the Secretary of War in orders from the Headquarters of the Army, or by department commanders acting under the special authority of the Secretary of War. In the case of medical officers, the Surgeon-General, in recommending changes of stations, will designate the posts or stations to which he desires assignments to be made. The removal of an officer from the station to which he has been assigned by the Secretary of War will not be made by department commanders, except in cases of urgent necessity when time will not admit of first obtaining authority therefor from the Secretary of War; in such cases prompt report will be made to the Adjutant-General of the Army.

739. When business upon which a board of officers is to be assembled is solely within the sphere of duty of a particular staff department, and the members thereof are to be selected from the same, the chief of such department will call the board if it is to meet at a post or station under his immediate control and is to be composed only of officers serving thereat; otherwise the order appointing it will be issued by direction of the Secretary of War.

740. Copies of all important communications from a bureau of the War Department to a disbursing officer on the staff of a department commander, which concern service in such department, will be sent direct to the department commander.

741. Staff officers assigned to the command of an officer are under his supervision and control in all matters pertaining to or affecting the command which are not specially excepted therefrom by the regulations or orders of the War Department.

742. Commanders of departments, in order to avoid unnecessary clerical labor and accumulation of papers, will call upon officers under their orders for only such abstracts or reports, in addition to those required by regulations, as may be needed for proper administration.

743. Commanding officers will cause returns, requisitions, and estimates pertaining to their respective commands to be promptly made and forwarded.

744. Officers doing duty as staff officers at military posts will submit their estimates and requisitions for supplies, property, and money to their immediate commanding officers for revision and approval, who will carefully examine estimates and requisitions, and satisfy themselves that money or articles asked for are in amount, quantity, and kind actually required for the public service during the period covered.

745. The chief of each branch of the staff of any command will carefully revise the estimates and requisitions for money and supplies for the command in so far as his particular branch is concerned. He will ascertain and recommend the cheapest markets and most economical routes of transportation. Such officers will receive from their commanders timely instructions as to all contemplated movements of troops and as to any probable increase or diminution of the garrison at any particular post, that a proper and economical distribution of supplies may be made.

746. Officers of the staff departments assigned to the charge of general depots, or to the duty of purchasing supplies for troops not included in the military department in which they are located, will submit to the department commander such estimates only as relate to the service under his command. In all other matters they will communicate directly with the chiefs of their bureaus.

747. It is the duty of commanding officers to enforce rigid economy in public expenses, and to correct all irregularity and extravagance which they may discover; to see that disbursements are economically made, and that public property is protected; to carefully scrutinize all contracts and vouchers for disbursements, and to guard the public interests in every particular.

ARTICLE LXIII.

ADJUTANT-GENERAL'S DEPARTMENT.

748. The Adjutant-General's Department is the bureau of orders and records of the Army.

Orders and instructions emanating from the War Department or Army Headquarters and all general regulations are communicated to troops and individuals in the military service through the Adjutant-General. His office is the repository for the records of the War Department which relate

to the personnel of the permanent military establishment and militia in the service of the United States, to the military history of every commissioned officer and soldier thereof, and to the movements and operation of troops.

The records of all appointments, promotions, resignations, deaths, and other casualties in the Army, the preparation and distribution of commissions, and the compilation and issue of the Army Register and of information concerning examinations for appointment and promotion, pertain to the Adjutant-General's Office.

The Adjutant-General is charged, under the direction of the Secretary of War, with the management of the recruiting service, the collection and classification of military information in regard to our own and foreign countries, the preparation of instructions to officers detailed to visit encampments of militia, and the digesting, arranging, and preserving of their reports; also the preparation of the annual returns of the militia required by law to be submitted to Congress. Requests for military information, which require action on the part of any military attaché of the United States, will be made to the Adjutant-General of the Army.

749. In the Adjutant-General's Office the names of all enlisted soldiers are enrolled, enlistments and descriptive lists filed, deaths, discharges, desertions, etc., recorded, the general returns of the Army consolidated, returns of regiments and posts and all muster rolls, and the inventories of effects of deceased officers and soldiers preserved.

750. Rules for keeping record books, and forms for rolls, returns, etc., will be furnished the proper officers on direct application to the Adjutant-General of the Army.

751. Manuscript returns, rolls, certificates, and other documents are prohibited, when the proper printed forms are on hand.

ARTICLE LXIV.

MILITARY CORRESPONDENCE.

752. An official letter should refer to one subject only. Letters of transmittal will be used only when necessary, and when used must refer only to the matter transmitted; none are required with rolls, returns, or periodical reports. Telegrams will be followed by official copies sent by first mail.

753. A half sheet of letter paper will be used for a communication requiring but a single page. When more than three pages are required for the body of a manuscript communication an additional half sheet, or more if necessary, will be neatly pasted to it, so that the last or outer page may be left entirely blank.

754. Letter paper will be folded in three and foolscap in four equal folds parallel with the writing. The inner or left edge of the sheet is the top when folded; the left fold of the outer page is the first fold. The first fold will be used exclusively for a brief analysis of the contents of the communication, the office marks, and note of inclosures.

755. The post-office address of an officer's station will be given in his official letters. Indefinite expressions of locality, which do not indicate where the letter was written, will not be used.

756. Official communications will be signed or authenticated with the pen and not by facsimiles. Signatures will be plainly and legibly written,

with the rank and regiment or corps of the writer annexed; if by order, stating by whose order. By virtue of commission and assignment to duty the adjutant-general or adjutant of any command transacts the business or correspondence of that command over his own signature; but when orders or instructions of any kind are given, the authority by which he gives the order must be stated. In the absence of a department commander, his adjutant-general, in signing communications to be forwarded to higher authority, will add to his signature the words, "In the absence of the department commander."

757. An officer will not be designated in orders nor addressed in official communications by any other title than that of his actual rank.

758. A letter will be properly briefed at the first office at which it is received and entered.

759. Indorsements commence at the top of the second fold, and are numbered serially in order of dates on the successive folds, leaving room after each for office marks. Additional space for indorsements will be provided by pasting slips of paper on the under side of the last fold (right edge of original paper), each slip, when attached, to have the same length and width as the original fold, and to turn back upon the last fold like the leaf of a book. The first fold, on which the brief is made, is always outside. Printed labels, by way of indorsement, will not be pasted on official papers. In no case will a loose wrapper be placed around an official paper, except as a mere covering.

760. All inclosures will be numbered, and will be given the proper office marks. Inclosures to the original communication are noted on the first fold, just below the brief. If others are added when an indorsement is made, their number will be noted at the foot of the indorsement to which they pertain and also on the first fold of the original communication. To the latter notation will be added the number of the indorsement to which they belong, thus, "One inclosure—fifth indorsement." Inclosures to indorsements are numbered in the same series as those to the original paper, and the number of the indorsement to which they belong is added below. If few in number and not bulky, inclosures may be kept inside the original paper; otherwise they will be folded together in a wrapper marked "inclosures." Officers through whose hands official papers pass will make the inclosures and slips secure when they are not so. (Models illustrating the system are furnished from the Adjutant-General's Office.)

761. Private correspondence from persons in the military service which they may desire to have forwarded through the dispatch agents of the United States will be addressed, under cover, to the War Department.

762. All communications on official matters intended for the Secretary of War, except as provided in paragraph 767, or the Commanding General of the Army will be in writing and addressed to the Adjutant-General of the Army. Communications, whether from a subordinate to a superior, or vice versa, will, as a rule, pass through intermediate commanders. In cases of necessity communication may be direct, the necessity therefor being stated. This rule will also govern in verbal applications. All communications from superiors to subordinates will be answered through the same channel as received. This paragraph, however, will not be interpreted as including matters in relation to which intermediate commanders can have no knowledge, and over which they are not expected to exercise control.

763. Official correspondence between the heads of the different departments of the staff of any command and its commander will pass through the adjutant-general or adjutant of the command. Communications to or from a commander and his subordinates will pass through the same channel. Communications, however, between a disbursing officer and the chief of the bureau in which he is serving, which do not involve questions of administrative responsibility within the supervision of commanding officers, nor affect the official interests of individuals, but which relate exclusively to the routine of business in his department, will pass direct.

764. Except as provided in paragraph 767, all communications, reports, and estimates from officers serving at a military post, and communications of every nature addressed to them relating to affairs of the post, will pass through the post commander.

765. Officers who forward communications will indorse thereon their approval or disapproval, with remarks. No communication should be forwarded to the Adjutant-General of the Army by a department commander or other superior officer for the action of the Commanding General of the Army or the Secretary of War without some recommendation or expression of opinion.

766. A commander or chief of bureau may communicate with those under his command or direction through a staff or other suitable officer. With all others he will himself make the communication.

767. Chiefs of bureaus of the War Department are authorized to correspond directly with the Secretary of War and with the subordinate officers of their respective corps upon any matter relating exclusively to the duties of the bureau required by statute to be performed under the direction of the Secretary of War, and necessary sub-references of such correspondence and sub-reports will, in like manner, be direct through officers of the respective corps. Such correspondence with subordinate officers will not embody instructions to be carried out by an officer reporting to or serving under an officer commanding troops, in relation to any matter not specifically excepted from his command and control by law, or by the Secretary of War; and replies thereto will not embody remarks or recommendations on matters pertaining to the administration of the officer commanding.

768. Unless otherwise expressly authorized by statute, an application for the official opinion of the Judge-Advocate-General or of an officer of any Executive Department of the Government other than the War Department will be addressed to the Adjutant-General of the Army, and by him submitted to the Secretary of War. Abstract questions will not be presented.

769. Unimportant and trivial communications need not be forwarded to the Adjutant-General of the Army simply because addressed to him. Department commanders should decide whether a communication is of sufficient importance to be forwarded to the Commanding General of the Army or the Secretary of War.

ARTICLE LXV.

ORDERS.

770. The orders of commanders of armies, corps, divisions, brigades, regiments, posts, territorial departments, and districts are denominated "general (or special) orders" of such army, corps, etc., according to char-

acter. General and special orders are numbered in separate series, each beginning with the calendar year or at the time of the establishment of the headquarters. Orders issued by commanders of battalions, companies, or small detachments are simply denominated "orders," and are numbered in a single series, beginning with the year. Circulars issued from any headquarters are numbered in a separate series.

771. General orders announce the time and place of issues and payments, hours for roll calls and duties, police regulations and prohibitions, returns to be made and their forms, laws and regulations for the Army, promotions and appointments, eulogies or censures, the results of trial by general courts-martial in all cases of officers or of enlisted men involving matters of general interest and importance, and generally, whatever it may be important to publish to the whole command. Orders eulogizing the conduct of living officers will not be issued except in cases of gallantry in action or performance of specially hazardous service.

772. Special orders are such as concern individuals or relate to matters that need not be made known to the whole command.

773. General orders and all important special orders must be read and approved, before issue, by the officer whose orders they are.

774. An order will state at its head the source from which it emanates, its number, date, and place of issue; and at its foot, the name of the commander by whose authority it is issued. It may be put in the form of a letter addressed to the individual concerned through the proper channel.

775. Orders for any body of troops will be addressed to its commander. They will be executed by the commander present, and will be published and copies distributed by him when necessary.

776. Orders to an officer involving travel on duty, as for the inspection or payment of troops, etc., will designate the troops and posts to be visited, and the order in which he will visit them.

777. Orders and instructions will be transmitted through intermediate commanders, in order of rank, except when they are of such character that the commanders have no power to modify or suspend them. In such cases the orders or instructions will be sent direct to the officer by whom they are to be executed, copies being furnished to the intermediate commanders.

778. Printed orders are generally distributed direct to posts by the headquarters from which issued. Files of such orders will be kept by each regiment and company, and at each military post, and will be turned over by a commander, when relieved, to his successor. If general orders in regular succession are not received within a reasonable time, commanding officers will report missing numbers to the proper headquarters.

779. In camp or garrison, orders that affect a command will, as a rule, be read to the troops at the first regular parade after they are received. In the field, when orderly hours can not be observed, they will be sent direct to the troops, or commanders of regiments or corps will be informed when to send to headquarters for them, or during a halt orders will be read to troops, without waiting for the regular parades.

780. In the field, verbal and important written orders are carried by officers. Dispatches for distant corps should be intrusted only to officers to whom their contents may be confided.

781. Mounted enlisted men will be employed to carry important dispatches only in special and urgent cases. The precise hours of departure and the rates at which they are to be conveyed will be written clearly on the covers of all dispatches transmitted by mounted orderlies.

782. Copies of all orders issued by commanders of armies or territorial departments will be forwarded at their dates, or as soon as practicable, to the Adjutant-General of the Army and to the head of each staff department in Washington.

783. The date of any appointment, detail or removal affecting the pay of staff officers or acting staff officers will be immediately reported by the officer making the same to the Adjutant-General of the Army and to the paymaster of the department or command to which such officers belong.

ARTICLE LXVI.

Muster and Pay Rolls.

784. At every muster of troops, muster and pay rolls will be prepared, signed, and disposed of by the commander of each regiment, company, or separate detachment, in accordance with the directions on the blank forms furnished by the Adjutant-General of the Army. There will be reported on the regimental roll the regimental field officers, staff (commissioned and noncommissioned), and band; on the company roll, the officers and enlisted men belonging to the company; on the hospital roll, the medical officers, the hospital corps, and the authorized matrons; on the post noncommissioned staff roll, the post noncommissioned staff and enlisted men of the Signal Corps serving at the post. The post noncommissioned staff roll will be prepared and signed by the adjutant, who will also keep the accounts and prepare the final statements of the men borne thereon.

785. A soldier on duty or in hospital at a post or station where his company is not mustered will be mustered on a detachment roll, a separate roll being prepared for each regiment.

786. Companies will be designated on the rolls by letters and regiments, and by the names of their captains whether present or absent.

787. Calculations on the muster and pay roll are made by the paymaster, and copied on the retained roll by the company or detachment commander, who will certify that he witnessed the payment, and will enter thereon the name of the paymaster.

788. Corrections on muster rolls, after muster and before they have been forwarded, will not be made except with the approval of the mustering officer. Retained rolls will not be changed without authority from the Adjutant-General of the Army.

ARTICLE LXVII.

Returns of Troops.

789. Commanders of departments, corps, and posts will make to the Adjutant-General's Office, in Washington, monthly returns of their respective commands on forms furnished by the Adjutant-General of the Army, and in accordance with the directions printed thereon. In like manner company commanders will make monthly returns of their companies to regimental headquarters.

790. Every commander of a separate body of troops, whether an army corps, division, brigade, regiment, or detachment, and whether engaged in campaign, field service, or occupying a temporary camp, or simply in transit from one place to another, will make the monthly return required in the preceding paragraph. Any detachment so far separated from the main body to which it belongs as to render it impracticable for the commander of the main body to make the muster and inspection enjoined by the regulations is a separate command within the meaning of this paragraph.

791. At the close of January, March, May, July, September and November of each year each company commander will forward with his morning report to the commanding officer a report of enlisted strength in the prescribed form. These the commanding officer will at once transmit to the Adjutant-General of the Army. Regimental commanders will forward similar reports of noncommissioned staff and band, including unassigned recruits if any.

792. Regimental returns will be made in the name of the colonel and those of the company in that of the captain, whether those officers be present or absent.

793. When a field officer is serving with detached companies of his regiment the commanders thereof will forward their returns through him, and he will transmit them with his personal report to regimental headquarters.

794. In campaign, one copy of every return of troops will be forwarded through intermediate commanders and one direct to the Adjutant-General of the Army, unless otherwise ordered.

795. Whenever the strength of a separate command is temporarily or permanently increased or diminished by the moving of any organization, the commanding officer will immediately inform the Adjutant-General of the Army direct, designating the organization moved, number and names of officers, and strength in men, animals, and arms.

796. In campaign two columns will be added to the monthly return in the space reserved for remarks, in which shall be entered the effective strength of the organization. In determining such strength only those who are available for service in the line of battle will be included. Officers or enlisted men who are sick or disabled, on duty in any of the staff or supply departments, or detached for any cause will be excluded.

797. After any action or affair resulting in casualties, a return in triplicate of killed, wounded, and missing will be made, containing the name, rank, and regiment of each person, with such remarks and explanations as may be necessary to a full understanding of any claims of the wounded soldiers or of representatives of the deceased. The nature of the wound, the time when and place where received; the company, regiment, or corps to which the person belongs, and the name of his captain, colonel, or other commanding officer will be carefully entered. One copy of this return will be retained, one forwarded direct, and the third through military channels, to the Adjutant-General of the Army.

798. A return of all captured property will be rendered to the Adjutant-General of the Army through intermediate channels, by the immediate commander of the troops making the capture.

ARTICLE LXVIII.

RECORDS.

799. All military records will be carefully preserved.

800. Whenever a post or other command is discontinued all records not required for use at headquarters of the departments in which the command was included will be forwarded to the Adjutant-General of the Army, as will also the records of departments upon discontinuance.

801. The use of colored inks, except as carmine or red ink is used in annotation and ruling, is prohibited in the records and correspondence of the Army.

802. Sections 5403 and 5408, Revised Statutes, prescribe penalties for the fraudulent or wrongful destruction, withdrawal or removal from any public office of any public record, paper or document therein deposited.

803. No information will be furnished by any person in the military service which can be made the basis of a claim against the Government, except it be given as the regulations prescribe to the proper officers of the War, Treasury, or Interior Departments, or the Department of Justice. Information concerning sick and wounded officers and enlisted men may be freely conveyed to allay the anxiety of friends. The fact of death may be communicated to relatives, but not circumstances connected therewith which could be made use of in prosecuting claims against the Government. If any person in the military service has knowledge of facts pertaining to the service of an individual who is an applicant for a pension, he may, upon request, if not pecuniarily interested, furnish a certificate or affidavit setting forth his knowledge; but record evidence will be furnished by the War Department only.

ARTICLE LXIX.

PERSONAL AND EFFICIENCY REPORTS.

804. When any officer arrives at Washington, D. C., he will report at the Adjutant-General's Office, and will there record his name, residence in the city, and the authority by which he is absent from his station.

805. An officer detached from his regiment or corps for duty at another station, or a field officer serving with troops but not at the headquarters of his regiment, will immediately report to the Adjutant-General of the Army and to his regimental and post commanders the time of departure from former station, of arrival at new station with a reference to the authority for the change, and his post-office address. As soon as practicable he will in like manner report the nature of his duties, and from time to time any material change therein, and any change of address, to the same officers. An officer of a staff corps or department, or an officer serving therein who is not carried on department or post returns, will make similar reports to the Adjutant-General of the Army and the head of the corps or department, and such other reports as the chief of the bureau may require. An officer on the retired list will, unless specially exempted, report each change of address to the Adjutant-General of the Army.

806. An individual service report will be made on June 30 of each year by each officer of the Army, except general officers and the chief of each staff corps or department. All reports made by regimental officers will be

forwarded direct to the regimental commander, who will transmit them, with his own individual report, direct to the Adjutant-General of the Army. The reports of post chaplains will be sent to the Adjutant-General of the Army through post commanders. Reports made by staff officers will be forwarded direct to the chiefs of their respective corps or departments. Should any officer be unable, from any cause, to prepare his report on the required date, it will be forwarded at the earliest date practicable thereafter.

807. Efficiency reports will be made at the close of each fiscal year:

1. By the commander of each department, respecting each officer of his personal and departmental staff, and each officer who has commanded a post or important camp, or has been in charge of a supply depot under his command, and by each officer of the Corps of Engineers in charge of an engineering division, respecting each officer under his orders.

2. By the chief of each bureau, respecting each officer of the Army who is not otherwise reported upon under these regulations, but who reports directly to the bureau chief.

3. By the commanding officer of each post, important camp, arsenal, or armory; by each officer in charge of a depot, engineer in local charge of works, the commandant of each service school, and the Superintendent of the Military Academy, respecting each officer of the Army serving at any such post, camp, station, school, etc., during the year.

808. All efficiency reports respecting regimental officers and post chaplains will be forwarded to the Adjutant-General of the Army, and those respecting officers of the staff corps and departments to the chiefs of bureaus through intermediate commanders, who will indorse thereon such remarks as may be proper in each case.

809. Each officer who makes the annual inspection of the military department of any civil institution of learning will, immediately after the inspection, forward to the Adjutant-General of the Army an efficiency report respecting each Army officer on duty at the institution.

810. The Inspector-General will forward to the Secretary of War extracts of all inspection reports containing specially favorable or unfavorable mention of any officer. Extracts respecting regimental officers will be sent through the Adjutant-General of the Army, and those respecting officers of the staff corps or departments through the respective chiefs of bureaus. Copies of unfavorable reports will be sent by chiefs of bureaus to officers reported upon, for their remarks, and these, when received, will be filed with original extracts.

811. In preparing efficiency reports, reporting officers will exercise the greatest care to set forth all facts concerning each officer and his record which may aid the Department in forming a true estimate of standing, ability, and special fitness for any military duties.

812. Chiefs of staff corps and departments will note the correctness of the reports received and will add any data known to them which will contribute to the completeness of the record in each case. All service and efficiency reports will be transmitted to the Secretary of War as soon as practicable after their receipt, verification and completion.

ARTICLE LXX.

PENALTY ENVELOPES.

813. Official communications, and other mailable matter relating exclusively to the public business, will be transmitted through the mails free of postage, if inclosed in the "Penalty envelope."

814. Envelopes for official mail matter, for the bureaus of the War Department and Headquarters of the Army, will have "War Department," the designation of headquarters, bureau or office, "Official Business," printed in three or four lines, as may be required, in the upper left corner, and in the upper right corner the following: "Penalty for private use, $300." Envelopes for the use of the headquarters of a territorial department, for a post, station, armory, arsenal, depot, or school of instruction, will be of the same form, with the proper substitution for the designation of the bureau or office, and with the address when necessary. Envelopes required for the transmission of printed matter may also have printed thereon "Printed matter." Other printing or ruling on such envelopes at public expense is prohibited, unless printed at the Government Printing Office. For the official business of officers not embraced in the foregoing classes, and officers on the retired list, the heading "War Department," "Official Business," will be placed across the left end of the envelope, with the officer's official signature written immediately below it, and with the penalty clause in the upper right corner.

815. Packages of public property weighing not more than four pounds may be sent through the mails under cover of the penalty envelope. Penalty envelopes with return address may be furnished to any person from whom official information is desired, or for the return of official vouchers, but will not be furnished to merchants or other dealers to cover the transmission of public property.

816. The use of freight or express lines for transmitting official letters or packages that can be sent by mail is forbidden.

817. The penalty envelope will not be used for foreign correspondence.

ARTICLE LXXI.

THE RECRUITING SERVICE.

CLASSIFICATION AND DETAILS.

818. The recruiting service is general and special—general when it concerns the whole Army, and special when it concerns particular military organizations.

819. Details of officers for the general recruiting service except at posts will ordinarily be for two years, and will be announced in orders from the Adjutant-General's Office.

820. Officers of the general recruiting service not at posts will not be ordered on any other duty, except by authority from the Adjutant-General's Office.

RENDEZVOUS AND STATIONS.

821. Recruiting stations are the places where recruits are enlisted. Recruit rendezvous are the designated posts at which general service recruits are collected for distribution to regiments.

822. Recruits at each rendezvous will constitute a recruit detachment to be instructed by officers and noncommissioned officers of the garrison detailed by the commanding officer or by others detailed for this purpose. The immediate command of the detachment will be vested in the senior officer on duty with it. In all matters of police and discipline these recruits are under the command of the post and department commanders, but in all other matters, including discharges for disability, they are directly under the orders of the Secretary of War. Each officer in command of a recruit detachment will forward, through the post commander, direct to the Adjutant-General of the Army, tri-monthly reports of the strength of the detachment. This strength will, if possible, be so limited as not to exceed that of a company of infantry.

ENLISTMENTS.

823. Any male citizen of the United States or person who has legally declared his intention to become a citizen, if above the age of twenty-one and under the age of thirty years, able-bodied, free from disease, of good character, and temperate habits, may be enlisted under the restrictions contained in this article. In regard to age or citizenship this regulation shall not apply to soldiers who have served honestly and faithfully a previous enlistment in the Army.

824. Applicants for original enlistment, and men who apply to re-enter the Army after an interval of more than three months from date of discharge, will be required to furnish evidence of good character. To determine an applicant's fitness and aptitude for the service, and to give him an opportunity to secure testimonials of character, he may, after having signed the declaration of intention to enlist and passed the required examination, be retained and provided for, not to exceed six days. Men so retained will be known as "recruits on probation." The enlistment paper of any such recruit who may be unfit or undesirable for the service, or who may not desire to remain in the service, will not be completed. The enlistment papers of recruits who are accepted and duly sworn will bear the date on which the enlistment is completed by administering the oath.

825. The enlistment of persons of any of the following classes is prohibited: Former soldiers whose service during last term of enlistment was not honest and faithful, insane or intoxicated persons, persons under the age of sixteen years, deserters from the military or naval service of the United States, persons who have been convicted of felony or who have been imprisoned under sentence of a court in a reformatory, jail or penitentiary, and, for first enlistment in time of peace, any person (except an Indian) who is not a citizen of the United States, or who has not made legal declaration of his intention to become a citizen of the United States, or who can not speak, read and write the English language, or who is over thirty years of age.

826. Recruiting officers will be very particular to ascertain the true age of the recruit. If any doubt exist as to the applicant's statement regarding his age, his oath will not be taken as conclusive evidence of the fact, and if he can not furnish competent proof to support his statement he will be rejected. Boys between the ages of sixteen and eighteen may be enlisted as musicians or to learn music, with the written consent of father, only

surviving parent, or legally appointed guardian, and the approval of the Adjutant-General of the Army. When a minor presents himself for enlistment under the provisions of this paragraph, his parents or guardian will be found and informed of the application.

827. Recruiting officers will be held to a rigid accountability for the enlistment of men who may be found unfitted for the service. If a recruit, after having been enlisted, be rejected, or discharged as a minor, and it appear that the enlistment was carelessly made or in violation of these regulations, the expenses incurred in consequence of the enlistment may be stopped against the pay of the officer responsible.

828. A person having a wife or minor child will not be enlisted without special authority from the Adjutant-General's Office.

829. After the nature of the service and terms of enlistment have been fully explained to the applicant, and before the enlistment blanks are filled, the officer will read to him and offer for his signature the following declaration which will be contained in the enlistment paper:

I, —— ——, desiring to enlist in the Army of the United States for the term of three years, do declare that I have neither wife nor child; that I am of the legal age to enlist, and believe myself to be physically qualified to perform the duties of an able-bodied soldier; and I do further declare that I am of good habits and character in all respects and have never been discharged from the United States service (Army or Navy) or any other service on account of disability or through sentence of either a civil or military court, nor discharged from any service, civil or military, except with good character, and for the reasons given by me to the recruiting officer prior to this enlistment. [Here add, in case of an applicant for first enlistment: And that I am, or have made legal declaration of my intention to become, a citizen of the United States.]

Given at ——, this —— day of ——, 18

—— ——.

Witness:

—— ——.

—— ——.

If the applicant be a minor, his parents or guardian must give consent in writing in the following terms:

I, —— ——, do certify that I am the (father, only surviving parent, or guardian, as the case may be) of —— ——; that the said —— —— is —— years of age; and I do hereby freely give my consent to his enlisting as a soldier in the Army of the United States for the period of three years.

Given at ——, this —— day of ——, 18

—— ——.

Witness:

—— ——.

This consent will appear on the enlistment paper and will follow the foregoing declaration.

830. Recruiting officers will not allow any man to be enticed into the service by false representations, but will, in person, explain to every man before he signs the enlistment paper the nature of the service, the length of the term, the amount of pay, clothing, rations, and other allowances to which a soldier is entitled by law.

831. As soon as practicable, and within six days after he has been accepted on probation, the following form of enlistment will be signed by and oath administered to the recruit:

STATE OF ——, *city or town of* ——, *ss:*

I, —— ——, born in ——, in the State of ——, aged —— years and —— months, and by occupation a ——, do hereby acknowledge to have voluntarily enlisted (or re-enlisted) this —— day of ——, 18 , as a soldier in the Army of the United States of America, for the period of three years, unless sooner discharged by proper authority; and do also agree

to accept from the United States such bounty, pay, rations, and clothing as are or may be established by law. And I do solemnly swear (or affirm) that I will bear true faith and allegiance to the United States of America; that I will serve them honestly and faithfully against all their enemies whomsoever; and that I will obey the orders of the President of the United States, and the orders of the officers appointed over me, according to the Rules and Articles of War.

—— ——. [SEAL.]

Subscribed and duly sworn to before me this —— day of ——, A. D. 18 .

—— ——,

——,

Recruiting Officer.

This oath may be administered by any commissioned officer of the Army.

§32. Within six days after his enlistment, the Articles of War will be read to the recruit.

§33. Enlistment papers and recruiting returns will be made on printed forms furnished by the Adjutant-General of the Army, and will be executed and disposed of in accordance with directions thereon.

§34. The real name of the recruit will be ascertained, correctly spelled, and written in the same way wherever it occurs, and the Christian name will not be abbreviated.

§35. Enlistments will not be antedated so as to allow a soldier additional pay for re-enlistment who applies after the period for re-enlisting has expired; but when a soldier presents himself for re-enlistment and it is necessary to obtain information in his case, or the approval of higher authority, his re-enlistment may be made to antedate the time of administering the oath, but must not bear a date prior to the day on which he presented himself.

§36. When a soldier re-enters the service, the officer who enlists him will indorse on the enlistment paper next below his own name and regiment, "second (or third) enlistment," as the case may be, together with the company and regiment in which the soldier last served and the date of discharge from former enlistment. This information the recruiting officer will obtain if possible from the soldier's discharge, which the latter should be required to exhibit.

§37. An officer who enlists or re-enlists a man who has been discharged from the Army will immediately give notice of the fact to the commanding officer of the company from which the man was last discharged, stating, if practicable, designation of the organization to which he has been assigned. On receiving this notice the commander of the company from which the man was discharged will record the fact of enlistment or re-enlistment in the company descriptive book. Should it appear that deception has been practiced he will report the case to the Adjutant-General of the Army. The recruiting officer will enter the fact of enlistment or re-enlistment, with date and place upon the certificate of discharge from former enlistment, which the soldier should have in his possession.

§38. Applications to re-enter the Army from persons of any of the following classes will not be granted without special authority from the Adjutant-General of the Army:

1. Former soldiers who have been discharged before expiration of term of service, excepting those discharged under the provisions of paragraphs 144 and 145.

2. Former soldiers who have been discharged with character other than good, or its full equivalent.

3. Former soldiers over thirty-five years of age who were last discharged as privates and have failed to re-enlist within three months thereafter. In such cases the applications must show that the enlistments will be for the interests of the service.

4. A former soldier having a wife or minor child. In such a case application will not be made by telegraph, but will be forwarded by mail through post and regimental commanders in sufficient time to admit of receipt of reply by mail before date of discharge. The application must clearly set forth the fact that re-enlistment will be in the interests of the service.

5. Former soldiers who can not pass the required examination in all respects. To entitle an application of this nature to consideration it must have the recommendation of the soldier's former commanding officer, which should be given only when it is shown that any existing defects will not prevent the performance by the applicant of full military duty, and that his continuance in service will be a benefit to the Army.

839. Enlisted men of good character and faithful service who, at the expiration of their terms, are undergoing treatment for injuries incurred or disease contracted in the line of duty, may be re-enlisted if they so elect, and if the disability prove to be permanent they will subsequently be discharged on certificates of disability. An enlisted man not under treatment, but who has contracted in the line of duty infirmities that may raise a question of physical eligibility to re-enlistment, but not such as to prevent his performing the duties of a soldier, may be re-enlisted by authority of the War Department on application made through the surgeon and proper military channel in time to receive a decision before the date of discharge.

840. Commanding officers forwarding applications from men of their commands for permission to re-enlist for some other organization will report in each case whether the applicant is married or single, what character will be given him on discharge, and whether or not he can pass the required examination.

MEDICAL INSPECTION.

841. The physical examination of recruits will be conducted in accordance with the authorized manual for the examination of recruits. The enlistment paper of each recruit must show what indelible or permanent marks were found on his person.

842. The recruiting officer will be present at the physical examination of the recruit by the medical officer. When there is no medical officer, the recruiting officer will make the required examination. An applicant enlisted at a post where there is no medical officer will be re-examined within two weeks after enlistment, and before any clothing is issued to him, by a medical officer, or, in the absence of such officer, by the civilian physician employed by the Medical Department.

843. As soon as a recruit joins any rendezvous, regiment, or post, he will be examined by the medical officer, to ascertain whether vaccination is required. In all cases where there is not unmistakable evidence of successful vaccination within a reasonable period, the operation will be performed immediately.

844. A critical inspection by the senior medical officer present will be made of every recruit received at a rendezvous within two days after his

arrival, if he has not already undergone examination by a surgeon. Should the recruit be found unfit for service or to have been illegally enlisted, a board of officers will be called by the post commander to examine into the case, and if the board recommends the discharge of the recruit for physical disability it will fully report its reasons, based upon a thorough investigation of the case, and will show in its report whether the enlistment involved fraud, whether the disability existed prior to enlistment, when, where, and by whom the enlistment was made, and whether, in its opinion, the disqualification might have been discovered by the recruiting officer (with whom the board will communicate, and who will be given opportunity to be heard in the case) had due care been exercised. This report, together with the surgeon's certificate of disability and the original form for examining a recruit, will be forwarded by the post commander direct to the Adjutant-General of the Army.

845. Every detachment of recruits ordered from a recruit rendezvous to any regiment or post will, immediately preceding its departure, be critically inspected by the post commander and the senior medical officer present, and any sick or otherwise disabled will be held at rendezvous. A recruit deemed unfit for continuance in the service will not be sent to a regiment, but a board of officers will be convened to consider the case and report as indicated in the preceding paragraph.

846. Before recruits are forwarded from a rendezvous to regiments, the post commander will cause the character of each recruit to be entered upon the descriptive and assignment card, also the date and result of last vaccination. Officers in charge of detachments, if called upon, will exhibit the entries relative to vaccination to authorized inspectors of State boards of health.

847. Upon arrival at a post each recruit who has not undergone examination by a surgeon will be examined, and defects will be recorded by the medical officer, with his opinion as to whether they existed prior to enlistment. A certificate of disability will be submitted if the recruit is absolutely disqualified for the service. If the certificate be submitted, the post commander will carefully scan the answers made by the recruit on the "Form for the physical examination of a recruit," and if his answers show that fraud was practiced to secure his enlistment, the post commander will make full report of the facts to the Adjutant-General of the Army, and forward therewith the certificate and the examination form.

848. A register of the medical examination of recruits will be kept at each recruiting station and rendezvous. A report of the recruits examined during the preceding month will be forwarded, not later than the 6th day of every month, to the Surgeon-General, who will furnish blanks for the purpose, as well as blank registers of medical examination. When a register is filled it will be forwarded to the Surgeon-General. Cases of "recruits on probation" who have failed for any cause to complete their enlistment will be indicated by an appropriate entry in the column of remarks, both on the monthly reports to the Surgeon-General and in the register. Care must be taken to embody in these reports all needed information, including a record of the height, weight, chest measures, the complexion, and the color of the hair and eyes of every accepted applicant.

RECRUITS SENT TO REGIMENTS.

849. Recruits will be assigned to regiments by the Adjutant-General of the Army, under the direction of the Secretary of War, from either general recruiting stations or rendezvous. Recruits designated for assignment will be borne on the rolls and returns of the stations or rendezvous until the date of departure therefrom, when the assignment will take effect; prior to that date they will not be taken up on the rolls of companies or regiments.

850. When recruits are sent to a regiment, a descriptive and assignment card for each will be given to the officer assigned to its command, or if no officer be so assigned the cards will be sent by mail.

851. When recruits are sent to regiments from rendezvous or other posts, the descriptive and assignment cards will be made by the post commander; when they go direct from a recruiting station not at a post, they will be made by the recruiting officer.

852. An officer intrusted with the command of recruits ordered to regiments will, on arriving at destination, forward the following papers:

1. To the Adjutant-General of the Army, a report of date of arrival at the post, the strength and condition of the party when turned over to the commanding officer, and all circumstances worthy of remark which occurred on the journey.

2. To the commanding officer of the regiment or post, the descriptive and assignment cards furnished him at the rendezvous or station, properly completed by noting in the column for remarks time and place of death, desertion, or other casualty that may have occurred.

853. The descriptive and assignment card of every recruit sent to a regiment, with remarks showing final disposition of the recruit, and number of regiment and letter of company to which he has been assigned, will be signed and forwarded to the Adjutant-General of the Army by the officer who makes the assignment.

DEPARTMENT AND REGIMENTAL RECRUITING.

854. Every post is a general recruiting station for the whole Army, and recruiting thereat will be conducted by an officer of the garrison detailed by the commanding officer. The commander of each detachment of troops absent from its permanent station will, if he deem it advisable, designate an officer for this duty.

855. The recruiting officer at any post may make enlistments to fill vacancies in the troops of the line serving thereat, and, when authorized by the department commander, for those serving at other posts in the same territorial department. He may make enlistments for any organization in the service when authorized by the Adjutant-General of the Army. An applicant will be subjected to the required examination before application is made for special authority for his enlistment.

856. Regimental recruiting may be carried on away from posts by one or more officers detailed from a regiment by its commander, with the approval of the department commander under authority of the War Department, and in accordance with instructions from the Adjutant-General of the Army. A regimental recruiting officer, with the authority of the Adjutant-General of the Army, may make enlistments for any organization in the service.

ARTICLE LXXII.

INSPECTOR-GENERAL'S DEPARTMENT.

GENERAL PROVISIONS.

857. The sphere of inquiry of the Inspector-General's Department includes every branch of military affairs except when specially limited in these regulations or in orders. Inspectors-general and acting inspectors-general will exercise a comprehensive and general observation within their respective districts over all that pertains to the efficiency of the Army, the condition and state of supplies of all kinds, of arms and equipments, of the expenditure of public property and moneys, and the condition of accounts of all disbursing officers of every branch of the service, of the conduct, discipline and efficiency of officers and troops, and report with strict impartiality in regard to all irregularities that may be discovered. From time to time they will make such suggestions as may appear to them practicable for the cure of any defect that may come under their observation.

858. Inspectors-general and acting inspectors-general are under the orders of the Secretary of War and the Commanding General of the Army only, and all orders, not confidential, will be issued from the Adjutant-General's Office and transmitted to them through the Inspector-General of the Army. They will make the general inspections within the limits of their respective districts, and will each be allowed the necessary clerks and one messenger, who will be assigned by the Secretary of War.

859. An officer on duty in the Inspector-General's Department, upon arriving at his station, will report by letter to the Inspector-General of the Army, and thereafter will report the execution of all orders received through him, together with date of departure from and return to his station. Prior to starting on a tour of inspection he will furnish the Inspector-General an itinerary of his route and approximate dates of arrival and departure from each station to be visited.

860. An inspector-general or acting inspector-general will give a department commander, within the limits of whose command he is ordered to make inspections, timely notice of his orders and of the date when he desires to execute them. He will also make known to commanding and other officers whose troops and affairs he is directed to inspect his orders or instructions, and these officers will see that every facility and assistance, including clerical aid, if requested, is afforded.

861. An inspector-general or acting inspector-general will not give orders unless specially authorized to do so, and then only in the name of the superior giving such authority. He will report with strict impartiality all irregularities. He should refrain from informal conversation or comment upon subjects under investigation.

862. An inspector-general or acting inspector-general will exercise the greatest care that he does no injustice to organizations or individuals. When investigating accusations prejudicial to the character of an officer, he will make known to the officer their nature, and give him an opportunity to make his own statement in writing, which will be appended to the report.

Copies or extracts from an inspection report, reflecting upon or commending the character or efficiency of an officer, may be furnished him by the commander through whom the report is submitted.

863. An inspector-general or acting inspector-general detailed to investigate attempts to defraud the Government, or misconduct on the part of any officer or agent of the United States, has authority to administer oaths to witnesses.

SPECIAL DUTIES.

864. Inspectors-general and acting inspectors-general will, from time to time, designate the articles which in their opinion should be procured and kept for sale by the Subsistence Department to officers and enlisted men. These recommendations will be submitted to the Secretary of War for his action.

865. All matters pertaining to the supervision of the accounts of the receipts and expenditures of the National Home for Disabled Volunteer Soldiers, under acts of Congress, are assigned to the Inspector-General of the Army under the direction of the Secretary of War.

STATED INSPECTIONS.

866. In addition to the inspection of the Soldiers' Home required by law, the Inspector-General of the Army will, in person, make an annual inspection of the National Home for Disabled Volunteer Soldiers, its records, disbursements, management, discipline, and condition, and report in writing the results of such inspection to the Secretary of War.

867. Officers of the Inspector-General's Department will inspect once in each year all military commands, garrisoned posts and camps, and once in two years such ungarrisoned posts and national cemeteries as can be visited without departing materially from the routes of other prescribed inspections.

868. All depots, armories, arsenals, and public works of every kind under charge of officers of the Army, except works of engineering conducted under the direction of the Secretary of War and supervision of the Chief of Engineers, will be inspected annually by officers of the Inspector-General's Department. These inspections will include military and business administration and methods, but will not extend to the scientific or technical character of work for which the officer in charge is responsible, through the head of his department, to the Secretary of War.

869. Inspections of the Military Academy will be made only under specific instructions given in each case by the Secretary of War, and inspections of the service schools, in so far as they are distinct from posts, under similar instructions given by the Secretary of War or the Commanding General of the Army.

870. The military department of civil institutions of learning at which officers of the Army are detailed will be inspected annually, near the close of the college year, under specific instructions. The inspecting officer, upon his arrival at the institution, will apply to the president or the administrative officer thereof for such aid or facilities as he may require. His report will be sent to the Inspector-General of the Army, then to the Adjutant-General of the Army for note and return, and a copy furnished the president of the institution by the War Department.

871. The inspection of disbursements and money accounts of disbursing officers required by act of April 20, 1874, will be made by officers of the Inspector-General's Department or others detailed for that purpose, and, as far as practicable, at irregular intervals, but no officer so detailed shall be in any way connected with the corps or staff department making the disbursement. The frequency of these inspections will be regulated by the Secretary of War.

872. Reports of prescribed inspections of troops, stations, and accounts of disbursing officers under the authority of department commanders will be forwarded through department headquarters to the Adjutant-General of the Army and transmitted to the Inspector-General of the Army. In case irregularities, deficiencies, or misconduct are reported, a department commander in forwarding a report will state what remedies he has applied or will apply to correct them, adding any recommendations that he may desire to make. All other reports of inspections will be forwarded direct to the Inspector-General of the Army, except when otherwise specially directed, and all inspection reports not confidential will be filed in his office. The Inspector-General will forward to the Commanding General of the Army extracts that relate to discipline and efficiency, and to the chiefs of bureaus extracts that relate to fiscal affairs.

METHODS OF INSPECTION.

873. Inspections of troops will be conducted as prescribed in the authorized drill regulations. When the command consists of more than one company the inspection will, if practicable, be preceded by a review.

874. Inspectors-general and acting inspectors-general will concisely report the strength, efficiency, and armament of each garrison and post, the date of last inspection, and all irregularities and defects, with such suggestions or recommendations as they deem pertinent. They will also report what remedies have been applied to correct irregularities reported at former inspections. The subjects usually covered by such reports should be as follows:

1. Names of officers present, those absent on detached duty or otherwise, and those permanently incapacitated for any duty from any cause; whether the number of enlisted men in ranks at inspection corresponds to returns, how absentees are accounted for, and how many appear under arms at inspection; the number of men in the band, and if any are not musicians.

2. Whether the post is adequately armed and supplied, and maps of the post and of the country in its vicinity kept.

3. Whether the commanding officer observes the system of instruction and treatment of subordinates enjoined by the regulations, and properly executes the laws relating to neutrality, quarantine, and the regulations concerning international courtesy, so far as applicable to his post; whether justice is promptly and legally administered; the zeal of the commanding officer and his ability to perform his duties.

4. Whether officers are efficient, reporting any intemperance or immorality, and mentioning any officer or soldier who has distinguished himself, or shown special efficiency in any department of study or duty.

5. The manner in which chaplains perform their duties.

6. The efficiency of administrative and staff officers, the correctness of

their accounts; whether payments and issues are made in accordance with law and regulations, and whether surplus supplies are taken up on returns and deficiencies accounted for.

7. Efficiency, discipline and appearance of the troops; state of arms, equipments and accoutrements of all kinds; sufficiency, uniformity and fit of clothing; instruction, theoretical and practical, of noncommissioned officers and privates in military exercises and duties; nature and amount of drills, recitations in tactics and drill regulations, target practice, practice marches, practice in outpost duty, field service, minor tactics, and gymnastic exercises; efficiency in signaling; regularity of payment of the troops, their health and whether the sick are properly cared for.

8. Police and sanitation of the post; cleanliness, state of repair, and sanitary condition of all buildings.

9. Whether there are suitable rooms for use, respectively, as a library, reading room, chapel, and school; sufficient quantities of newspapers and periodicals, schoolbooks, stationery and school material for the use of enlisted men; whether the newspapers, periodicals, and schoolbooks are solely used by enlisted men; whether the library rooms are used at all by officers, and, if so, whether it interferes with their use by enlisted men; the attendance and progress of pupils and the system of instruction.

10. System of messing, sufficiency, variety and preparation of food.

11. Whether labor of the supply departments is performed by troops or civilians; if by the latter, their number, cost attending and reasons for their employment and kind of labor performed by them.

12. Means of transportation and its condition; training, grooming, shoeing, suitability, veterinary treatment and condition of public animals, and number unserviceable.

13. Condition of all public property, and whether used for private purposes; whether buildings and property are properly secured against fire, theft and damage.

14. Whether sales of subsistence stores are made to enlisted men according to regulations; whether there are damaged stores, and if so, in what quantities and how damage was caused.

15. Water supply, facilities for laundry work, bathing and swimming, system and condition of sewerage and drainage, and means of extinguishing fire.

16. Management and success of post exchange, and whether properly supplied and conducted according to regulations; extent, necessity for, and kind of gardens, success attending, and number of men employed therein.

17. Management and application of the regimental, bakery, company, and mess funds, and whether the provisions of Articles XXXIV and XXXV are complied with.

18. Whether regimental, post, and company books, papers and files, and those of the post staff departments, including chaplain's register, are properly kept, and the prescribed rolls and returns are properly prepared and promptly forwarded.

19. Condition of post cemetery and its records.

20. Efficiency of hospital corps and company bearers in ambulance and litter-bearers' drill, and methods of rendering first aid to the wounded.

875. On completion of an inspection of a post or other command of troops under department supervision, the inspector-general or acting inspector-general will furnish its commanding officer a written statement of all

irregularities and deficiencies observed, which will be kept on file for the information of commanding officers and inspectors. The commanding officer will, as soon as practicable, submit to the department commander a copy of this statement, with a report showing what remedies he has applied or will apply to correct each of the irregularities or defects found, and will recommend the proper action with regard to those that he has not power or authority to remedy. At stations not under the supervision of department commanders, inspectors-general and acting inspectors-general will furnish like statements, and commanding officers will forward copies with reports to the authority that ordered the inspection.

DISBURSEMENTS AND ACCOUNTS.

876. Inspectors-general and acting inspectors-general will inquire as to the necessity, economy and propriety of all disbursements, their strict conformity to the law appropriating the money, and whether the disbursing officers comply with the law in keeping their accounts and making their deposits. A statement of receipts and expenditures and of the distribution of funds, with a list of outstanding checks, on forms furnished by the Inspector-General of the Army, will be submitted by the disbursing officer to the inspector, who should immediately transmit the list of outstanding checks to the several depositories. Upon return from a depository, balances will be verified and noted on the inspection report, which will then be forwarded to the Inspector-General. The list of outstanding checks will be retained by the inspector, and a copy, with indorsements thereon, sent to the Inspector-General.

877. When an officer ceases to act as a disbursing officer he will submit to the officer to whom the inspection of his accounts has been assigned a statement of his money accounts from date of last inspection to and including the closing of his accounts, with a list of outstanding checks. If an inspection be impracticable, the statement will be forwarded to the Inspector-General of the Army.

PROPERTY FOR CONDEMNATION.

878. Inspections having in view the condemnation of property will be made by inspectors-general, acting inspectors-general, or officers specially designated by the commander of a department, the commander of an army in the field, or higher authority. Officers designated for the foregoing purpose shall not be in any way connected with the staff department, corps, post, or particular organization to which the property to be inspected pertains, except in case of unserviceable public animals or of small quantities of rapidly deteriorating subsistence stores, unfit for sale or issue to troops but not worthless, if delay would entail loss to the Government.

879. Officers will prepare and sign in triplicate, on blank forms furnished by the Inspector-General of the Army, inventories of public property requiring inspection, and present them, with the property, to the inspector-general or acting inspector-general at the time of his annual visit. In the case of rapidly deteriorating subsistence stores or of unserviceable public animals, such inventories will be prepared when necessary, and unless the time of the annual visit of an inspector be near at hand, one copy will be forwarded to

the commander of the department or army in the field. Public animals will be inventoried singly, with a brief description of color, sex, age, and distinguishing marks.

880. As far as practicable, inventories of unserviceable property will state the cost of the articles, and in case of damaged or inferior stores the depot whence obtained, the marks upon them, with marks on original packages, and names of contractors and inspectors.

881. For inspection the property will be arranged in the order of enumeration in the inventory, every article will be examined by the inspector, and the officer responsible will accompany him and be prepared to give all necessary information in regard to it.

882. Inspectors will examine all property properly presented for condemnation. When all property presented has been destroyed in the presence of the inspector, one inventory will be forwarded by the inspecting officer through department headquarters to the Inspector-General of the Army and the others will be delivered to the accountable officer. In cases in which the inspector recommends the sale of any property or its transfer to depots, he will forward all the inventories to department headquarters, and if the inspector's action is approved by the department commander, except as provided in paragraphs 1525 and 1526, two will be returned to the accountable officer and the other forwarded to the Adjutant-General of the Army to be transmitted to the Inspector-General of the Army, and, in similar cases, when the accountable officer is not serving under the department commander and all the property has been destroyed in the presence of the inspector, one copy of the inventory will be forwarded to the Inspector-General of the Army and two to the accountable officer, or if sale or transfer of the property is recommended, the inspecting officer will forward all the inventories to the Inspector-General of the Army, who will forward them to the Secretary of War, through the chief of bureau concerned; one copy will be returned to the Inspector-General and two to the accountable officer.

883. Inspectors will exercise great care in examining property submitted to them for condemnation, and in making recommendations regarding its disposition. Articles "to be continued in service" are such as are still serviceable. Those "to be dropped" from the returns are such as can not be sold at the post and are not worth cost of transportation to an arsenal or depot for repair. If worthless, they must be so far destroyed as to prevent any possibility of future presentation. Such articles as can not be destroyed will, when practicable, be marked "I. C." (inspected—condemned), or will be broken up and the serviceable parts retained. Condemned animals will be branded "I. C." on the neck under the mane. Should the inspector's recommendation be disapproved in regard to articles marked "I. C.," the marks will be canceled and a certificate of the fact given to the responsible officer. Suitable brands and stencils will be kept for use of inspectors at posts and depots. Articles "to be sold at post" are such as are of no further public use, or not worth cost of transportation to a depot. Those "to be turned into depot" are such as can not be repaired at the post, and are worth cost of transportation.

884. Public property in use will not be reported as unserviceable, nor condemned by an inspector merely because worn or shabby in appearance, when really strong and serviceable.

885. Great care will be taken to prevent property once condemned and ordered dropped from the returns from being again presented for inspection. When public property is presented to an inspector for condemnation the officer responsible will certify on the inventory that the property has not been previously condemned.

886. Inspectors will, when practicable, cause the destruction in their presence of all property found to be worthless and which is without money value at or near the place of inspection, and will state in their reports that "the articles recommended to be destroyed have no money value at or near the post." The action of an inspector on property of this character will be final, and his report will be a valid voucher for the responsible officer. When property thus condemned is not destroyed in the presence of the inspector the responsible officer will certify to the fact of subsequent destruction in his presence.

887. An inspection report on damaged clothing will set forth the amount of damage to each article; also a list of such articles as are fit for issue to prisoners, or, at reduced prices, to enlisted men willing to receive them.

888. Department commanders, the commander of an army in the field, or the Commanding General of the Army, may give orders, on the reports of authorized inspectors, to sell, destroy, or make such other disposition of condemned property as the case may require, except the sale of ordnance and ordnance stores and the destruction of saddles issued by the Ordnance Department, for which the orders of the Secretary of War must be given. If the property be of considerable value, and there be good reason to suppose that it can be more advantageously applied or disposed of elsewhere than within the command, the matter will be referred to the War Department through the Adjutant-General of the Army.

889. Orders for the final disposition of condemned property will be indorsed by the proper authority on the inspection reports, each copy being made complete in itself. One will be forwarded, through military channels, to the Inspector-General of the Army, and the others to the accountable officer, who will forward one, or suitable extracts therefrom, with his accounts, and file the other with his retained papers.

ARTICLE LXXIII.

JUDGE-ADVOCATE-GENERAL'S DEPARTMENT.

890. The Judge-Advocate-General's Department is the bureau of military justice. The Judge-Advocate-General is the custodian of the records of all general courts-martial, courts of inquiry, and military commissions, and of all papers relating to the title of lands under the control of the War Department, except the Washington Aqueduct and the public buildings and grounds in the District of Columbia. The officers of this department render opinions upon legal questions when called upon by proper authority.

891. The judge-advocate of each department, or the officer acting as such, will, as soon as practicable after August 31 of each year, render to the Judge-Advocate-General a report for the year terminating on that date, giving the number and character of cases tried by courts-martial in the department during the period. This report will separately classify the trials

of officers and enlisted men, and show whether by general, garrison, or summary courts, the number of acquittals in each class and the number of different men tried by inferior courts, and contain his recommendations and remarks touching the administration of military justice.

892. The original proceedings of all general courts-martial, courts of inquiry, and military commissions, with the decisions and orders of the reviewing authorities made thereon, and the proceedings of all general courts-martial, courts of inquiry, and military commissions which require the confirmation of the President, but which have not been appointed by him, will be forwarded direct to the Judge-Advocate-General. One copy of the order promulgating the action of the court, and a copy of every subsequent order affecting the case, will be forwarded to the Judge-Advocate-General, with the record of each case. When more than one case is embraced in a single order, a sufficient number of copies will be forwarded to enable one to be filed with each record. The proceedings of all courts and military commissions appointed by the President will be sent direct to the Secretary of War.

893. Judge-advocates and acting judge-advocates will forward to the Judge-Advocate-General, on June 30 each year, with the reports prescribed in paragraph 197, lists of the law books for which they are responsible.

894. Applications of officers, enlisted men, and military prisoners for copies of proceedings of general courts-martial, to be furnished them under the 114th Article of War, will, when received by post or other commanders, be forwarded direct to the Judge-Advocate-General.

895. Communications relating to proceedings of military courts on file in the Judge-Advocate-General's Department will be addressed and forwarded direct by department commanders to the Judge-Advocate-General. In routine matters, the Judge-Advocate-General and judge-advocates may correspond with each other direct.

896. The reports which the Judge-Advocate-General may render upon cases received by him, and which require the action of the President, will be addressed to the Secretary of War and will be forwarded, through the Commanding General of the Army, for such remarks and recommendations as he may see fit to make.

ARTICLE LXXIV.

Arrest and Confinement.

897. Commanding officers only have power to place officers in arrest, except as provided in the 24th Article of War. An arrest may be ordered by the commanding officer, in person or through his staff officer, orally or in writing.

898. An officer arrested will repair at once to his tent or quarters, and there remain until more extended limits have been granted by the commanding officer, on written application. Close confinement will not be enforced except in cases of a serious nature.

899. Officers will not be placed in arrest for light offenses. For these the censure of the commanding officer will generally answer the purpose of discipline. Whenever a commanding officer places an officer in arrest and

releases him without preferring charges, he will make a written report of his action to the department commander, stating the cause. The department commander, if he thinks the occasion requires, will call on the officer arrested for any explanation he may desire to make, and take such other action as he may think necessary, forwarding the papers to the Adjutant-General of the Army for file with the officer's record, or for further action.

900. A medical officer, charged with the commission of an offense, need not be placed in arrest until the court-martial for his trial convenes if the service would be inconvenienced thereby, unless the charge is of a flagrant character.

901. An officer in arrest will not wear a sword nor visit officially his commanding or other superior officer, unless directed to do so. His applications and requests of every nature will be made in writing.

902. On the march, field officers and noncommissioned staff officers in arrest will follow in the rear of their respective regiments, and company officers and noncommissioned officers in arrest, in rear of their respective companies, unless otherwise specially directed.

903. Enlisted men serving sentences of confinement, not involving dishonorable discharge, will be designated "garrison prisoners;" those sentenced to dishonorable discharge, "general prisoners."

904. Noncommissioned officers will not be confined at the guardhouse in company with privates, except in aggravated cases or where escape is feared, but will be placed in arrest in their barracks or quarters.

905. Except as provided in the 24th Article of War or when restraint is necessary, no soldier will be confined without the order of an officer, who shall previously inquire into his offense.

906. The arrest of a noncommissioned officer or the confinement of a soldier will, as soon as practicable, be reported to his company or detachment commander by the officer authorizing the arrest.

907. Prisoners awaiting trial by, or undergoing sentence of, general court-martial, and those confined for serious offenses will, if practicable, be kept apart from those confined by sentence of an inferior court, or for minor offenses. Enlisted men awaiting trial or awaiting result of trial will not be sent to work with garrison or general prisoners if it can be avoided, and may, in the discretion of the commanding officer, be required to attend drills, or sent to work under charge of a sentinel during the usual working hours. General prisoners will not be confined with other prisoners except in cases of necessity.

908. All persons under guard without written charges will be released by the old officer of the day at guard mounting, unless specific orders to the contrary have been given in each case by the commanding officer.

909. Prisoners will not be placed in irons except under sentence of court-martial, or in the extraordinary case of a prisoner who, in the judgment of the commanding officer, is a desperate or dangerous character, and in each such case report of action and the circumstances will be immediately made to the department commander. A prisoner may be shackled or handcuffed while being transported from one post to another, or from a post to a penitentiary when, in the judgment of the officer in charge, the escape of the prisoner can not otherwise be prevented.

910. The Secretary of War will designate certain posts as places where general prisoners sentenced to confinement for six months or more shall serve their sentences. Special rules and regulations will be promulgated by the War Department to govern the enforcement of discipline, the methods of guarding, and the treatment of these prisoners, also the measure of labor to be imposed and the character of clothing and diet to be furnished them.

911. Prisoners will be forwarded from places where tried to posts at which they are sentenced to serve confinement only on orders of department commanders or higher authority. The strength of guards to accompany them will be limited to the necessities of safe delivery. The commanding officer of a post from which a prisoner is transferred will send under seal to the commanding officer of the post where the sentence of confinement is to be executed the following papers in his case, viz: Discharge papers, if discharged, descriptive list, orders promulgating and modifying sentences, statement of conduct while under sentence to date of transfer, and a list of clothing in possession of the prisoner when forwarded.

912. All serviceable clothing which belongs to a prisoner, and his blankets, will accompany him to the post designated for his confinement, and will be fully itemized on the clothing list mentioned in the preceding paragraph. The guard in charge of the prisoner during transfer will be furnished with a duplicate of this list and will be held responsible for the delivery of all articles itemized therein, with the prisoner. At least one serviceable woolen blanket will be sent with every such prisoner so transferred.

913. The personal effects of military prisoners who have escaped from confinement, except such as possess some special value as keepsakes, may be disposed of by sale as in the case of effects of deceased soldiers, and the proceeds thereof, together with any money left by the prisoner in the hands of the company commander, be turned over to a paymaster, who should account for the same in the manner provided for paymasters' collections. The officer will take the paymaster's receipt for the amount paid him and forward the same to the Auditor for the War Department.

914. A general prisoner, when released from confinement at a post, will be carefully examined and a record of all marks, scars and physical peculiarities made by a medical officer on the outline figure card used in the examination of recruits, which the medical officer will forward direct to the Surgeon-General.

915. Prisoners will be allowed in abatement of their terms of confinement five days for each period of twenty-five days during the whole of which their conduct has been good; but abatements thus earned may be forfeited, either in whole or in part, by subsequent misconduct. Such forfeitures are determined by the commanding officer of the post where a prisoner is confined.

916. The power to pardon or mitigate punishment imposed by a court-martial, vested in the authority which confirms the proceedings, extends only to unexecuted portions of a sentence, and continues only while the prisoner remains under the jurisdiction of that authority; the fact that a soldier has been dishonorably discharged through his sentence does not affect this power. An application for clemency in case of a general prisoner sentenced to confinement in a penitentiary will be forwarded to the Secretary of War for the action of the President.

ARTICLE LXXV.

COURTS-MARTIAL.

917. The order appointing a court-martial will name its members in order of rank, and they will sit according to rank as announced. A decision of the appointing authority as to the number that can be assembled without injury to the service is conclusive.

918. The place of holding a court is designated by the authority appointing it. Courts will be assembled at posts or stations where trial or examination will be attended with the least expense. A member stationed at the place where it sits is liable to duty with his command during adjournment from day to day. Courts will, as far as practicable, hold their sessions so as to interfere least with ordinary routine duties, and when necessary for the sake of immediate example it will be ordered to sit without regard to hours.

919. A president of the court will not be announced. The officer highest in rank present will act as president.

920. A court-martial has no power to punish its members, but for disorderly conduct a member is liable as for other offenses against military discipline. Improper words used by him should be taken in writing, and any disorderly conduct reported to the appointing authority.

921. When a court sits in closed session the judge-advocate will withdraw, and when legal advice or assistance is required, it will be obtained in open court.

922. The judge-advocate will summon the necessary witnesses for the trial, but will not summon witnesses at the expense of the Government without the order of the court unless satisfied that their testimony is material and necessary.

923. Judge-advocates of military courts, in issuing process under section 1202, Revised Statutes, to compel the attendance, as witnesses, of persons not in the military service, will formally direct the same to an officer designated by the department commander to execute it. The nearest military commander will furnish the necessary military force for the execution of the process, if force be required. A subpœna may be served by any person.

924. Judge-advocates of courts-martial will, whenever it is possible, send subpœnas through military channels.

925. An officer or enlisted man who receives a summons to attend as a witness before any military court, board, civil court, or other tribunal competent to issue subpœnas, which is sitting beyond the limits of the department where he is serving, will, before starting to obey the summons, forward it through the proper channel to his department commander, that necessary orders, or authority to obey a civil process, may be given. In urgent cases, or when the public interest would be liable to suffer by delay, a post commander may authorize immediate departure, reporting his action and reasons therefor to the department commander.

926. The commanding officer of a post where a general court-martial is convened will, at the request of any prisoner who is to be arraigned, detail as counsel for his defense a suitable officer, one not directly responsible for the discipline of an organization serving thereat, nor acting as a summary court. If there be no such officer available the fact will be reported to the

appointing authority for action. An officer so detailed should perform such duties as usually devolve upon counsel for defendant before civil courts in criminal cases. As such counsel he should guard the interests of the prisoner by all honorable and legitimate means known to the law.

927. Charges against an enlisted man forwarded to the authority competent to appoint a general court for his trial will be accompanied by a statement in the prescribed form setting forth the dates of his present and former enlistments, the character upon each of the discharges given him, and the date of his confinement for the offenses alleged in the charges. This statement is intended simply for the information of the convening authority, and will not be introduced in evidence nor made a part of the record of the trial, but will be returned to the convening authority with the record.

928. Commanding officers will, before forwarding charges, personally investigate them, and, by indorsement on the charges, will certify that they have made such investigation, and whether, in their opinion, the charges can be sustained.

929. In every case where evidence of previous convictions is admissible, and the accused is convicted of the offense, the court, after determining its findings and before awarding sentence, will be opened for the purpose of ascertaining whether there be such evidence; and if so, of hearing it. These convictions must be proved by extracts from the records of previous trials, or by duly authenticated orders promulgating the same. The proper evidence of previous convictions by summary court is the copy of the summary court record furnished to company and other commanders, as required by paragraph 932, or one furnished for the purpose, and certified to be a true copy by the post commander or adjutant. When the proof produced is the copy furnished to the company or other commander, it will be returned to him and a copy of it attached to the record of the general, regimental, or garrison court trying the case. Charges forwarded to the authority ordering a general court, or submitted to a summary, garrison, or regimental court, must be accompanied by the proper evidence of previous convictions, when such evidence is admissible.

930. Commanding officers are not required to bring every dereliction of duty before a court for trial, but will endeavor to prevent their recurrence by admonitions, withholding of privileges, and taking such steps as may be necessary to enforce their orders.

931. Noncommissioned officers above the rank of corporal will not, if they object thereto, be brought to trial before regimental, garrison, or summary courts-martial, without the authority of the officer competent to order their trial by general court-martial; nor will sergeants of the post noncommissioned staff or hospital stewards be reduced, but they may be dishonorably discharged whenever reduction is included in the limit of punishment.

932. Charges preferred for offenses cognizable by inferior courts will be laid before the post commander, who, if he thinks that the accused should be tried, will cause him to be brought before the summary court, where he will be arraigned and allowed to plead according to prevailing court-martial practice. If an accused neither demands a removal of his case to a regimental or garrison court, nor (he being a noncommissioned officer above the grade of corporal) objects to trial by an inferior court, nor pleads guilty, and the summary court officer is not the accuser, witnesses will be

sworn and evidence received—the accused being permitted to testify in his own behalf and make a statement; but the evidence and statement will not be recorded. The summary court, as soon as trial is concluded, will record its findings and sentence in the prescribed record book and submit it to the post commander, who will record therein his approval or disapproval, in part or whole, with date and signature. Should the post commander be the summary court, the findings and sentence will be recorded in like manner. No other record of the proceedings will be kept, and such trials will not be published in orders. Post commanders will furnish company and other commanders with copies of the summary court record relating to men of their commands, said copies to be certified to be true copies by the post commander or adjutant.

933. When a post commander sits as a summary court, no approval of the sentence is required by law, but he should sign the sentence as post commander and date his signature.

934. Charges submitted for trial by a summary court should be accompanied by evidence of previous convictions, to be furnished when practicable by the officer preferring the charges; or if the evidence is contained in the summary court record book, a reference to it will be sufficient. If this evidence is not submitted or cited, the summary court may take judicial notice of any such evidence which that book contains.

935. The summary court will be opened at a stated hour every morning except Sunday, for the trial of such cases as may properly be brought before it. Trials will be had on Sunday only when the exigencies of the service make it necessary. The commanding officer, and not the court, will determine when and what cases shall be brought before it. Delay in the trial of a soldier by summary court does not invalidate the proceedings, but may be considered by the court in awarding sentence.

936. Summary courts are subject to the restrictions named in the 83d Article of War. Soldiers against whom charges may be preferred for trial by summary court will not be confined in the guardhouse, but will be placed in arrest in quarters, before and during trial and while awaiting sentence, except when in particular cases restraint may be necessary.

937. Whenever, under the provisions of the summary court act, it becomes necessary to convene a garrison or regimental court, the order appointing it will state the fact that brings the case within the exceptions of the law.

938. Whenever by any of the Articles of War punishment is left to the discretion of the court, it shall not, in time of peace, be in excess of a limit which the President may prescribe. The limits so prescribed are set forth in the Manual for Courts-Martial, published by authority of the Secretary of War.

939. Sentences imposing tours of guard duty are forbidden.

940. When the sentence of a court-martial prescribes imprisonment, the court will state therein whether the prisoner shall be confined in a penitentiary or at a post, being guided in its determination by the 97th Article of War.

941. General courts-martial may sentence soldiers to confinement in a penitentiary for offenses which are thus punishable by some statute of the United States or by a statute or the common law of the State, Territory, or District in which the offenses are committed. Department commanders will

designate the United States Penitentiary at Fort Leavenworth, Kansas, as the place of execution of such sentences, in cases in which the term of confinement imposed is more than one year. If any State or Territory within a military department has made provision by law for the confinement of such prisoners in its penitentiaries, the department commander, with the approval of the Secretary of War, may designate one as the place of execution of sentence.

942. When the court has sentenced a prisoner to confinement at a post, no power is competent to increase the punishment by designating a penitentiary as the place of confinement.

943. When a sentence of confinement or forfeiture is in excess of the legal limit, the part within the limit is legal and may be executed.

944. When the date for the commencement of a term of confinement imposed by sentence of a court-martial is not expressly fixed by the sentence, the term of confinement begins on the date of the order promulgating it. The sentence is continuous until the term expires, except when the person sentenced is absent without authority.

945. The order promulgating the proceedings of a court and the action of the reviewing authority will, when practicable, be of the same date. When this is not practicable, the order will give the date of the action of the reviewing authority as the date of the beginning of the sentence. This does not apply to sentences of forfeiture of all pay and allowances. A soldier awaiting result of trial will not be paid before the result is known.

946. The authority which has designated the place of confinement, or higher authority, may change the place of confinement of any prisoner under the jurisdiction of such authority.

947. A sentence to confinement, with or without forfeiture of pay, can not become operative prior to the date of confirmation. If it be proper to take into consideration the length of confinement to which the prisoner has been subjected previous to such confirmation, it may be done by mitigation of sentence.

948. When soldiers awaiting result of trial or undergoing sentence commit offenses for which they are tried, the second sentence will be executed upon the expiration of the first.

949. A sentence adjudging a dishonorable discharge, to take effect at such period during a term of confinement as may be designated by the reviewing authority, is illegal.

950. The time at which a dishonorable discharge is to take effect, as fixed by a sentence, can not be postponed by the reviewing officer.

951. When a sentence imposes forfeiture of pay, or of a stated portion thereof, for a certain number of months, it stops for each of those months the amount stated. Thus: "Ten dollars of monthly pay for one year" would be a stoppage of $120. When the sentence is silent as to the date of commencement of forfeiture of pay, the forfeiture will begin at the date of promulgation of the sentence in orders, and will not apply to pay which accrued previous to that date.

952. An order remitting a forfeiture of pay operates only on the pay to become due subsequent to the date of the order.

953. Notwithstanding a sentence contemplates payment of a stated sum to a soldier upon his release from confinement, it can not be made unless there is a sufficient balance to his credit after all authorized stoppages are deducted.

954. Every court-martial will keep a complete and accurate record of its proceedings, which will be authenticated in each case by the signatures of the president and judge-advocate, the latter affixing his signature to each day's proceedings.

955. The judge-advocate will transmit the proceedings without delay to the officer having authority to confirm the sentence, who will state at the end of the proceedings in each case his decision and orders.

956. The complete proceedings of a garrison or regimental court will be transmitted without delay by the post or regimental commander to department headquarters.

957. When the record of a court exhibits error in preparation, or seemingly erroneous conclusions, the reviewing authority may reconvene the court for a reconsideration of its action, pointing out defects. Should the court concur in the views submitted, it will proceed by amendment to correct its errors, and may modify or completely change its findings. A reopening of the case, by calling or recalling witnesses, is illegal.

958. The employment of a stenographic reporter, under section 1203, Revised Statutes, is authorized for general courts only, and in cases where the convening authority considers it necessary. The convening authority may also, when necessary, authorize the detail of an enlisted man to assist the judge-advocate of a general court in preparing the record.

959. When a reporter is employed under section 1203, Revised Statutes, he will be paid not to exceed $10 a day during the whole period of absence from his residence, traveling or on duty, which shall be in full for taking and transcribing all notes, making such number of copies to be made at one writing as the judge-advocate may require, and, unless otherwise specially ordered by the Secretary of War, in full for all services rendered and expenses incurred by the reporter. In special cases, when authorized by the Secretary of War, stenographic reporters may be employed at rates not exceeding 25 cents per folio (one hundred words) for taking and transcribing the notes in shorthand, or 10 cents per folio for other notes, exhibits, and appendices. Reporters will be paid by the Pay Department on the certificate of the judge-advocate.

960. No person in the military or civil service of the Government can lawfully receive extra compensation for clerical duties performed for a military court.

961. Interpreters to courts-martial are paid by the Pay Department upon the certificate of the judge-advocate that they were employed by order of the court. They will be allowed the pay and allowances of civilian witnesses.

ARTICLE LXXVI.

CIVILIAN WITNESSES.

962. Civilians in the employ of the Government when traveling upon summons as witnesses before military courts are entitled to transportation in kind from their place of residence to the place where the court is in session and return. If no transportation be furnished they are entitled to reimbursement of the cost of travel actually performed by the shortest usually traveled route, including transfers to and from railway stations, at rates not exceeding 50 cents for each transfer, and the cost of a double berth in a sleeping car or steamer when an extra charge is made therefor. They are also entitled to reimbursement of the actual cost of meals and rooms at a rate not exceeding $3 per day for each day actually and unavoidably consumed in travel or in attendance upon the court under the order or summons. No allowance will be made to them when attendance upon court does not require them to leave their stations.

963. A civilian not in Government employ duly summoned to appear as a witness before a military court will receive $1.50 for each day actually and unavoidably consumed in travel or in attendance upon the court under the summons, and 5 cents a mile for going from his place of residence to the place of trial or hearing and 5 cents a mile for returning. Civilian witnesses will be paid by the Pay Department.

964. The charges for return journeys of witnesses will be made upon the basis of the actual charges allowed for travel to the court, and the entire account thus completed will be paid upon discharge from attendance, without waiting for completion of return travel.

965. The items of expenditure authorized in paragraphs 962 and 963 will be set forth in detail and made a part of each voucher for reimbursement. No other items will be allowed. The correctness of the items will be attested by the affidavit of the witness, to be made when practicable before the judge-advocate, and the voucher will be accompanied by the original summons or a duly certified copy thereof. The certificate of the judge-advocate will be evidence of the fact and period of attendance, and will be made upon the voucher.

966. Compensation to civilians in or out of Government employ for attendance upon civil courts is payable by the civil authorities.

ARTICLE LXXVII.

EMPLOYMENT OF CIVIL COUNSEL. HABEAS CORPUS.

967. The employment of counsel at the expense of the United States is under the direction of the Department of Justice.

968. When a necessity arises for an attorney or counselor to defend or advise officers and others connected with the military service in cases connected with their public duties, request, with report of the facts, will be made to the Adjutant-General of the Army through the regular military channels, but in cases which will not admit of delay the request may be sent direct. The Adjutant-General will promptly submit all such requests to the Secretary of War for reference to the Department of Justice. Officers

and others in the military service employing an attorney or counselor without being specially authorized to do so will be required to pay the expenses attendant upon such employment.

969. Officers will make respectful returns in writing to all writs of habeas corpus served on them. When the writ is issued by a State authority, and the person held by the Army officer is a civilian who has been apprehended under a warrant of attachment to be taken before a court-martial to testify as a witness, the officer will not produce the body, but will, by his return, set forth fully the authority by which he holds the person, and allege that the State authority is without jurisdiction to issue the writ of habeas corpus, and ask to have the same dismissed. He will also exhibit to the court or officer issuing the writ of habeas corpus the warrant of attachment and the subpœna (and the proof of the service of the subpœna) on which the warrant of attachment was based, and also a certified copy of the order convening the court-martial before which he had been commanded to take the person.

970. Should a writ of habeas corpus issued by a State court or judge be served upon an Army officer commanding him to produce an enlisted man or show cause for his detention, the officer will decline to produce in court the body of the person named in the writ, but will make respectful return in writing to the effect that the man is a duly enlisted soldier of the United States, and that the Supreme Court of the United States has decided that a magistrate or court of a State has no jurisdiction in such a case.

971. A writ of habeas corpus issued by a United States court or judge will be promptly complied with. The person alleged to be illegally restrained of his liberty will be taken before the court from which the writ has issued, and a return made setting forth the reasons for his restraint. The officer upon whom such a writ is served will at once report the fact of such service direct to the Adjutant-General of the Army by telegraph.

ARTICLE LXXVIII.

QUARTERMASTER'S DEPARTMENT.

NOTE.—Regulations for the government of the Quartermaster's Department, prepared and published under the authority of the Secretary of War, are distributed to its officers by the Quartermaster-General. Only such regulations are herein given as are general in their nature or affect other branches of the service.

GENERAL DUTIES.

972. The Quartermaster's Department is charged with the duty of providing means of transportation of every character, either under contract or in kind, which may be needed in the movement of troops and material of war. It furnishes all public animals employed in the service of the Army, the forage consumed by them, wagons and all articles necessary for their use, except the equipment of cavalry and artillery. It furnishes clothing, camp and garrison equipage, barracks, storehouses and other buildings; constructs and repairs roads, railways, bridges; builds and charters ships, boats, docks and wharves needed for military purposes, and attends to all matters connected with military operations which are not expressly assigned to some other bureau of the War Department.

973. Subsistence, ordnance, signal, medical and hospital stores are procured and issued by other bureaus of the War Department, but the Quartermaster's Department transports them to the place of issue and provides storehouses for their preservation until consumed.

974. General depots for the collection, manufacture and preservation of quartermaster's stores until required for distribution are under the immediate control of the Quartermaster-General.

975. Officers serving in the Quartermaster's Department will make monthly estimates for funds, unless otherwise authorized, and only for such amounts as are required for payment of accounts within the periods estimated for. Estimates will show in detail the amounts required to cover all authorized expenditures, and the purposes for which needed. Quartermasters will submit their estimates to their immediate commanding officers, who, after action thereon, will forward them to the adjutant-general of the department; he will refer them to the chief quartermaster who, after consideration and revision, will consolidate and submit them to the department commander for approval; thereafter the chief quartermaster will forward them to the Quartermaster-General. Quartermasters at general depots and independent posts will forward estimates of funds to the Quartermaster-General direct.

BARRACKS AND QUARTERS.

976. When buildings are about to be occupied, allotted, or vacated, an inspection of them will be made by the quartermaster, who will make and file a statement of their condition, reporting to the commanding officer any damage apparently due to carelessness or neglect. Damages will be promptly repaired if possible.

977. Neglect by any officer or soldier to take proper care of rooms or furniture used by him is a military offense. In case of damage, such officer or soldier may be allowed to pay cost of necessary repairs if the commanding officer deem such payment sufficient. Commanding officers will report, through prescribed channels, to the Adjutant-General of the Army their proceedings in all cases under this regulation.

978. An annual inspection of the public buildings at every post will be made on the 1st day of March by the commanding officer and quartermaster. Whenever March 1 falls on Sunday, the inspection will be made on the following day. Immediately after the inspection the quartermaster will submit a report, upon the form prescribed for that purpose, giving a description and showing the condition and capacity of each building, the character and extent of any additions, alterations and repairs made upon it during the preceding year and cost of same, also repairs needed, with estimates therefor. Estimates for heating or plumbing will be made separately. Separate plans, specifications and estimates in detail for additions and alterations will be submitted with the report. If new buildings are required, the necessity will be fully stated, and, if authorized by the War Department, plans and specifications will be prepared in the Quartermaster-General's Office. The commanding officer will carefully examine the report and estimates, and forward them, with an expression of his views, for the Quartermaster-General.

979. When private buildings occupied as barracks or quarters, or lands occupied as encampments, are vacated, the commanding officer and quarter-

master will make an inspection of them, and the latter will report, through the prescribed channel to the Quartermaster-General, their condition and any injury which has resulted to them by reason of such occupancy

980. All public buildings at a post will be numbered by the quartermaster, and thereafter each new building will be given its proper numerical designation. The number originally given a building will be retained, and entered by the quartermaster as a permanent record. Against each building he will charge all expenditures made thereon, noting sums authorized, authority therefor and amounts actually expended, carefully itemized, showing separately the sums paid for material and labor. All expenditures made for the erection of new buildings, and for additions, alterations, or repairs will be so entered as to accurately exhibit the cost of each building to date.

981. The Quartermaster's Department will provide in all permanent barracks a box locker for each enlisted man for his uniform and extra clothing. Each man will provide his own lock.

982. Barracks will be supplied with chairs, at a rate not exceeding one for each noncommissioned officer and one for every two of the other enlisted men quartered therein.

983. China and glassware belonging to mess outfits, bunks, mattresses, pillows, benches, chairs, tables and other articles of furniture provided for soldiers' barracks will not be removed therefrom without the order of the post commander, nor will they be removed from a post or station except by order of the War Department. Box lockers, mattress covers, pillowcases, bed sheets and barrack bags should be transported in all changes of station, but will not be taken into the field.

Allowance and Assignment of Quarters.

984. At each post and station where there are public quarters in buildings belonging to the United States, the quartermaster, under direction of the commanding officer, will allot to each officer the quarters to which his rank entitles him.

985. At all posts where, in the opinion of the department commander, the barracks and quarters are sufficient for the purpose, the following regulations will govern their assignment and occupation:

1. Permanent quarters will be assigned to the field and staff officers of the garrison.

2. Quarters for the captain and lieutenants of each company will be designated as appertaining to each set of barracks, having reference to convenience of location.

3. On arrival of troops, each company will be assigned by the commanding officer to appropriate vacant barracks and quarters, having due regard to relative rank of captains and their choice of quarters whenever two or more arrive at the same time. Quarters so regularly assigned will not be subject to choice, but any not occupied may be chosen for temporary occupancy by an officer, in accordance with existing regulations, subject however to removal whenever an officer entitled to them arrives. The original assignment of quarters at any post or station will be made by a board of officers consisting of the commanding officer, the two senior line officers present, the senior surgeon and the quartermaster. Upon the department

commander's approval of the board's action, its recommendations will be carried into effect as soon as practicable, the department commander causing the assignments to take effect as changes occur in the stations of officers and troops, without removing any officer from quarters occupied by him under other existing regulations.

986. At posts or stations where the provisions of paragraph 985 can not be applied, officers may make selection of quarters in accordance with their rank, but the commanding officer may direct that they confine their selection to buildings located near their troops. An officer may select quarters occupied by a junior, but should not displace a junior if there be quarters suitable to the rank of the senior available, with equal conveniences and accommodations. When an officer has made his choice he must abide by it, and shall not again displace a junior unless he himself is displaced by a senior. The particular rooms which constitute a set of quarters will be designated by the quartermaster, under the direction of the commanding officer; attics are not counted as rooms. Officers will not choose rooms belonging to different sets.

987. An officer reporting for duty at a post will, immediately upon his arrival, make written application to the commanding officer for quarters. If in command of troops he will apply for quarters for himself, for his subordinate officers, and the enlisted men of his command. The application will be accompanied by a copy of the order directing him to report at the station, and will be referred to the quartermaster for proper action under such instructions as the commanding officer may indorse thereon.

988. An officer will not occupy more than his proper allowance of quarters, except by permission of the commanding officer when there is an excess of quarters at the station. The allowance will be reduced pro rata by the commanding officer when the number of officers and troops present makes it necessary. If the public buildings are inadequate, the commanding officer will apply, through the department commander, to the Secretary of War for authority to hire necessary quarters.

989. Officers on duty without troops at stations where there are public quarters will be furnished them in kind. If insufficient, application for authority to hire quarters will be made as directed in paragraph 988.

990. At a military post where the headquarters of a department are or may be established, the department commander may set aside quarters for the staff, but will not disturb assignments made under paragraph 985 if it can be avoided. Quarters thus reserved will not be open to selection, but will be subject to assignment independent of choice.

991. An appropriate set of quarters, equal to those of a captain, will be set apart permanently for the chaplain. He will not be displaced, except by a reduction when the quarters are insufficient for the garrison, and he will not then be entirely displaced, nor allowed to choose others.

992. An officer's right to quarters is solely one of occupancy; when he and his family cease to occupy them, except in case of temporary absence, they are open to selection by, and reassignment to, some other officer on duty at the post.

993. When assigned to duty without troops or awaiting orders for the convenience of the Government, officers will be entitled to quarters, but in no case will they be furnished quarters at two stations at the same time.

994. A contract surgeon is entitled to the quarters stipulated in his contract, or commutation therefor.

995. The allowance of quarters to which an officer is entitled when on duty may be continued in kind, at his proper station, during the period for which the law permits him to be absent without reduction of pay and allowances. An officer under suspension has the same right to quarters as when on duty status, if present at the post.

996. At a post a room may be set aside as a mess room when a majority of its officers unite in a mess, but never when the officers to be accommodated are less than three in number.

997. An officer on sick leave is entitled to public quarters at his station during the period of sick leave, not exceeding six months, provided he or his family occupy them. He may hold hired quarters only while he is personally an occupant.

Fuel and Stoves.

998. Officers may purchase from the Quartermaster's Department the fuel actually needed for their own use. For the quantity allowed them in the table contained in paragraph 1006, they will pay at the rate of $3 per cord for standard oak wood, or the equivalent thereof in other kinds of fuel as determined by the Quartermaster-General. For any additional quantity they shall pay the contract price, or $3 per cord if the contract price is less than $3. Officers on the retired list, officers on sick leave or under sentence of suspension from duty on reduced pay when absent from their proper stations, are not entitled to this privilege.

999. The Quartermaster's Department may sell fuel in accordance with the preceding paragraph to contract surgeons and to the families of officers who are temporarily absent.

1000. Officers who desire to purchase fuel of the Quartermaster's Department will make requisition therefor. Payment will be made at the time of sale, and receipt given.

1001. Fuel will be sold only on the officer's certificate that it is for his personal or family use, and he will not sell or exchange it. The commanding officer will compare the requisitions and certificates with the quartermaster's abstract of sales of fuel, and if correct, so certify on the abstract.

1002. Merchantable oak wood is the standard; the cord is 128 cubic feet. The scale of equivalents to govern in the issue and sale of fuel is published from time to time in general orders.

1003. An officer may purchase from the Quartermaster's Department one-sixth of his allowance of fuel in kindling wood, which will be sold on the basis of its equivalent in oak wood.

1004. Fuel issued to troops is public property. Any portion not consumed by them will be returned to the quartermaster and taken up on his return. Fuel so issued, however, and not consumed in quarters, may be used in baking the soldiers' bread; and at any post where coal is used exclusively, the quartermaster may, upon the request of the post commander, provide, as part of the fuel allowance, an equivalent of wood in lieu of coal sufficient for the post bakery.

1005. Fuel will be issued only in the month when due. The cheapest fuel at the place of issue will, all things considered, be furnished.

1006. The following table shows the number of rooms, the quantity of fuel, and the allowance of cooking and heating stoves to be supplied for the use of officers and men in quarters and barracks:

	Rooms.			Cords of wood per month.		Increased allowance from September to April, both inclusive.		For quarters.		For office.
	As quarters.	As kitchen.	As office.	From May 1 to Aug. 31.	From Sept. 1 to Apr. 30.	Between 30th and 43d deg. N. latitude, one-fourth.	North of 43d deg., one-third.	Heating stoves.	Cooking stoves or ranges.	Heating stoves.
A lieutenant-general or major-general	5	1	...	1	5	1¼	1⅓	5	1	.....
A brigadier-general or colonel	4	1	...	1	4	1	1⅓	4	1	.....
A lieutenant-colonel or major	3	1	...	1	3½	¾	1⅛	3	1	.....
A captain or chaplain	2	1	...	¾	3	½	1	2	1	.....
A lieutenant	1	1	...	½	2	½	⅔	1	1	.....
The Commanding General of the Army	...	...	3	...	3	¾	1	...	...	3
The commanding officer of a territorial department	...	...	2	...	2	½	⅔	...	...	2
The aids to the commanding officer of a territorial department	...	...	1	...	1	½	⅔	...	...	1
An assistant or deputy quartermaster-general, an assistant commissary-general of subsistence, an assistant surgeon-general, the assistant and deputy paymaster-general, and the chief quartermaster and chief commissary at the headquarters of a territorial department, each	...	...	2	...	2	½	⅔	...	...	2
The commanding officer of a regiment or post, a paymaster, quartermaster, assistant quartermaster, commissary, and military storekeeper, each	...	...	1	...	1	½	⅔	...	...	1
An assistant adjutant-general, an inspector-general, an acting inspector-general, an engineer officer*, an ordnance officer*, a signal officer, a judge-advocate or an acting judge-advocate, and the senior medical officer, when stationed on duty at any place not in the field*, each	...	...	1	...	1	½	⅔	...	...	1
An acting assistant quartermaster, an acting commissary of subsistence, an adjutant†, when approved by the Quartermaster-General, each	...	...	1	...	1	½	⅔	...	...	1
A sergeant-major, quartermaster-sergeant, sergeant of the post noncommissioned staff, hospital steward, veterinary surgeon, signal sergeant†, and chief musician, each	1	...	...	½	1	½	⅔	1	...	.....
Superintendent national cemetery	...	...	...	½	1	½	⅔	...	1	.....
Each noncommissioned officer, musician, private, and hospital matron	...	...	...	1/12	⅙	1/24	1/18	...	...	.....
Each necessary fire for the sick in hospital, each dispensary and hospital mess room, at a military post or station, to be regulated by the surgeon and commanding officer, not exceeding	...	...	...	½	2	½	⅔	1	...	.....
For general hospitals, when necessary, not exceeding, for each bed	...	...	...	1/12	⅙	1/24	1/18	...	...	.....
Each guard fire, to be regulated by the commanding officer, not exceeding	...	...	...	...	3	¾	1	1	...	.....
Each necessary fire for military courts or boards, at a rate not exceeding	...	...	...	...	2	½	⅔	1	...	.....
Storehouse of a commissary and quartermaster, when necessary, not exceeding for each	...	...	...	...	1	½	⅔	1	...	.....

* Except at Military Academy. † Except when serving in a detachment.

	Rooms.			Cords of wood per month.		Increased allowance from September to April, both inclusive.		For quarters.		For office.
	As quarters.	As kitchen.	As office.	From May 1 to Aug. 31.	From Sept. 1 to Apr. 30.	Between 36th and 43d deg. N. latitude, one-fourth.	North of 43d deg., one-third.	Heating stoves.	Cooking stoves or ranges.	Heating stoves.
Each employee of the Quartermaster's, Subsistence, or Medical Department to whom subsistence in kind is issued by the Government	...	...	...	1/12	1/8	1/16	1/12	...	...	...
For library, reading room, schoolroom, chapel, and gymnasium, 1 heating stove for each, and when the garrison exceeds 150 enlisted men, 2 heating stoves, and such quantity of fuel for the same as may be certified to as necessary by the officers in charge and approved by the commanding officer	...	...	...	...	...	...	...	...	...	...
For a company: 2 large stoves in dormitory, 1 large stove in each mess room and day room, 1 small stove for each of the two rooms for noncommissioned officers, 1 small stove for the library, and 1 cooking stove or range sufficient to cook its food	...	...	...	...	...	...	...	...	...	...
Each hospital kitchen	...	...	...	...	...	...	...	...	1	...
For each authorized room as quarters for civilian employees	...	...	...	...	...	...	...	1	...	...
For each six civilian employees to whom fuel is allowed	...	...	...	...	...	...	...	1	...	...
For mess of civilian employees	...	...	...	...	...	...	...	...	1	...
For telegraph office	...	...	...	...	...	...	...	1	...	...
For each blacksmith, carpenter, and saddler shop	...	...	...	...	...	...	...	1	...	...

1007. In addition to the number prescribed in the table, the headquarters of a department will be allowed such number of office rooms (not more than eight) as may be necessary for clerks on duty thereat (the Quartermaster's and Subsistence Departments excepted), which will be assigned by the chief quartermaster under the direction of the department commander. A heating stove for each room not otherwise heated will also be allowed. Office rooms will not be hired without the written authority of the Secretary of War, and no lease of such rooms will take effect until approved by him.

1008. The officers of the Quartermaster's and Subsistence Departments may, when necessary, be allowed additional office rooms, with a heating stove for each, not to exceed three in the former and two in the latter named department. The number of additional rooms so allowed will be regulated by the Quartermaster-General.

1009. Stoves will not be issued to officers who receive commutation of quarters.

1010. A sergeant-major, quartermaster-sergeant, sergeant of the post noncommissioned staff, hospital steward, veterinary surgeon, signal sergeant, and chief musician may each be allowed one cooking stove in lieu of one heating stove.

1011. If at a military post, situated between the thirty-sixth and forty-third degrees of latitude, the mean temperature for twenty days of any calendar month is not above 20° F., an increase of fuel of one-third instead of one-fourth, as shown in the table, will be allowed. If the temperature is not above 10° F., an increase of one-half will be allowed, whatever the latitude of the place. The certificate of the post surgeon as to the mean temperature, and the order of the post commander for the issue, will be filed with the abstract of issues.

ILLUMINATING SUPPLIES.

1012. The Quartermaster's Department will provide lamps, lanterns, mineral oil, wicks, and lamp chimneys for the various military posts and stations.

1013. Lamps having one or two burners, with circular wicks of about 1½ inches inside diameter, will be issued as follows: To troops in barracks, at the rate of one burner for every ten men and every fraction thereof, when the fraction is five or more, of the maximum strength allowed the organization, and such number of lamps or lanterns for lighting interior passageways as may be necessary, not to exceed three in each barrack. Companies messing separately will be allowed three additional burners. To each noncommissioned staff officer and to each first sergeant, a lamp with a single burner. For hospitals, such number of burners, not to exceed one for each ward or room, as may be deemed necessary by the post surgeon and post commander. The lamps with wicks of less than one inch diameter, if on hand, will not be superseded except as they become unserviceable and are beyond repair. Two of these burners will be allowed in lieu of one of larger size, and parts for their repair will be furnished when called for.

1014. For the guardhouse and the authorized offices, a lamp with a single burner for each room; for post reading and evening school rooms post libraries, and chapels, such number of burners, not exceeding four for each room, as may be certified by the post commander to be necessary.

1015. For outside illumination, including passageways exterior to barracks which for the proper performance of garrison duties should be lighted, such number of oil lanterns or street lamps as the department commander shall, in writing, authorize for the purpose, will be supplied on properly approved requisitions. A copy of the authority from the department commander will be filed by the issuing officer with the voucher for the issue. Oil, wicks and chimneys will be issued on requisitions in duplicate designating the number and location of lamps for which required.

1016. Either oil or candle lanterns may be used in stables, at the discretion of the commanding officer. The number of lanterns in each stable will be such as the commanding officer, with the approval of the department commander, shall require. If candle lanterns are used, the candles will be issued by the Subsistence Department in such quantity as the commanding officer shall order as necessary. If oil lanterns are used, the issue of oil, wicks, and chimneys therefor will be made in the manner prescribed in the preceding paragraphs.

1017. Mineral oil having a flash point not lower than 135° F. will be supplied for lamps and oil lanterns, and be issued in quantities as follows: For all lamps used for interior illumination at the rate, per burner, of four ounces avoirdupois for each hour of authorized illumination for lamps using wicks of about 1½ inches diameter, and two ounces per hour for lamps

with smaller wicks. For all oil lanterns, such quantities as the commanding officer shall order and certify as necessary.

1018. The hours during which lamps and oil lanterns may be kept lighted at each post will be such as the commanding officer, with the approval of the department commander, may announce.

1019. A gallon of mineral oil of Army standard weighs one hundred and four ounces. In making estimates and requisitions, calculation will be made at the rate of one gallon of oil for twenty-six hours' use of each large burner, and fifty-two hours' use of each small burner, described in paragraph 1013.

1020. Officers of the Army may buy from the Quartermaster's Department, at contract prices, such moderate quantity of mineral oil, lamps, wicks and chimneys as they may need in the rooms occupied by themselves and families. This privilege is limited to the lamps, oils, wicks and chimneys of like patterns, kinds and qualities as those provided for troops.

1021. Only one requisition for each month will be made by company or detachment commanders for fuel, forage, straw, mineral oil, wicking, chimneys, and other illuminating supplies that may be similarly expended. These requisitions, as approved by the post commander, will be consolidated, and the consolidated requisition, in duplicate, furnished the quartermaster, who will make issues thereon.

1022. Mineral oil issued to troops is public property for their use, and will be treated as provided in paragraph 1004 for fuel.

STATIONERY.

1023. Issues of stationery are made quarterly, in quantities as follows:

	Quires of writing paper.	Quires of envelope paper.	Sheets of blotting paper.	Number of pens.	Number of penholders.	Pints of black ink.	Ounces of red ink.	Pints of mucilage.	Ounces of sealing wax.	Pieces of office tape.	Envelopes.
Commander of an army, division, or department (what may be necessary for himself and staff for their public duty).											
Commander of a brigade or district, for himself and staff	12	½	24	50	4	2	2	1½	8	2	200
Officer commanding a regiment or post of not less than five companies, for himself and staff	10	½	24	40	3	2	1	1½	6	2	150
Officer commanding a post of more than two and less than five companies	8	½	20	30	3	1	1	1	5	1	120
Commanding officer of a post of two companies	7	½	15	25	2	1	1	½	4	1	100
Commanding officer of a post of one company or less, and commanding officer of a company	6	½	10	20	2	1	1	½	3	1	80
A lieutenant colonel or major, not in command of a regiment or post	3	....	5	12	1	1	....	½	2	1	40
Officers of the Inspector-General's, Pay, and Quartermaster's Departments (the prescribed blank books and printed forms, and the stationery required for their public duty).											
All officers, including chaplains, not enumerated above, when on duty and not supplied by their respective departments	2	½	5	6	1	½	....	½	1	½	30

1024. To each office desk or table is allowed one inkstand, one paper folder, one ruler, one steel eraser, one piece of India rubber and four lead pencils. A company commander is entitled to this allowance. Officers when relieved will transfer office stationery to their successors.

1025. The Quartermaster's Department is authorized to issue yearly to retired officers, upon proper requisition, six quires of writing paper, one hundred official envelopes, fifty letter envelopes, one piece of office tape and one-half quire of envelope paper.

1026. The yearly allowance of stationery to a sergeant of the post non-commissioned staff on duty at a post not garrisoned by troops is two quires of writing paper, letter size, four sheets of blotting paper, one hundred envelopes, official size, one dozen steel pens, two penholders, one pint bottle of black ink, one small bottle of mucilage with brush, one inkstand, and one piece of office tape.

1027. Necessary stationery for courts and boards will be furnished on requisition of the judge-advocate or recorder, approved by the presiding officer.

PURCHASE OF PUBLIC ANIMALS.

1028. Purchase of horses for the cavalry and artillery, for Indian scouts, and for such infantry as may be mounted, will be made by contract, after competition duly invited by the Quartermaster's Department and an inspection by such department—all under the direction and authority of the Secretary of War.

1029. The cavalry horse must be sound and well bred; gentle under the saddle; free from vicious habits; with free and prompt action at the walk, trot, and gallop; without blemish or defect; of a kind disposition; with easy mouth and gait, and otherwise to conform to the following description:

A gelding of uniform and hardy color; in good condition; from fifteen and one-fourth to sixteen hands high; weight not less than 950 nor more than 1,150 pounds; from four to eight years old; head and ears small; forehead broad; eyes large and prominent; vision perfect in every respect; shoulders long and sloping well back; chest full, broad and deep; fore legs straight and standing well under; barrel large and increasing from girth toward flank; withers elevated; back short and straight; loins and haunches broad and muscular; hocks well bent and under the horse; pasterns slanting and feet small and sound.

Each horse will be subjected to a rigid inspection, and any animal that does not meet the above requirements in every respect must be rejected.

A horse under five years old should not be accepted unless a specially fine, well developed animal.

1030. The artillery horse is required for quick draft purposes, and should move the carriage, ordinarily, by weight thrown into the collar rather than by muscular exertion.

The animal must be sound, without blemish or defect, well bred, of a kind disposition, and free from vicious habits; a square trotter; well broken to harness, and gentle under the saddle; with easy mouth and gait, and with free, prompt action at the walk, trot, and gallop; and otherwise to conform to the following description:

A gelding of uniform and hardy color; in good condition; from fifteen and one-fourth to sixteen hands high; weight of the lead horse not less than 1,050 pounds, and that of the wheel horse not more than 1,200 pounds; from

five to eight years old; head and ears small; forehead broad; eyes large and prominent; vision perfect in every respect; chest full, broad, and deep; fore legs straight and standing well under: shoulders sufficiently broad to support the collar, but not too heavy; barrel large and increasing from girth toward flank; withers elevated; back short and straight; with broad, deep loins, short coupled with solid hind quarters; hocks well bent and under the horse; pasterns slanting and feet sound and in good order. Long-legged, loose-jointed, long-bodied, and narrow-chested horses, as well as those which are restive, vicious, or too free in harness, or which do not, upon rigid inspection, meet the above requirements in every respect, will be rejected.

1031. Mules purchased for the Army by the Quartermaster's Department should conform to the following conditions: They should be strong, stout, compact, sound, and kind; they should be free from defects in every particular, four to nine years old, 850 to 1,200 pounds in weight, fourteen to sixteen hands high and suitable in all respects for the transportation service of the Army. If for draft purposes, they will be well broken to harness; pack mules need not be broken, and may be not less than thirteen and a half hands high, if otherwise suitable.

1032. On the day when received, horses for the cavalry and light artillery will be branded "U. S." on the hoof of the left fore foot, other animals on the left shoulder. Cavalry and light artillery horses will also be branded under the mane with the number of regiment and letter of troop or battery.

1033. A complete descriptive list of each animal will be made at the time of purchase, and will accompany him wherever he may be transferred.

1034. A descriptive book of public animals will be kept with every troop of cavalry and battery of light artillery, and with the records of every officer responsible for public animals. It will contain a description of every animal received and transferred, showing the kind, name, age, size, color, marks, brands, or other peculiarities of each; how and when acquired and if disposed of in what manner; the name of its rider or driver, and the particular use to which applied.

1035. When public animals are issued or transferred, the person in charge will be provided with full and accurate descriptive lists, which he will deliver to the receiving officer, by whom they will be entered in his descriptive book of public animals.

1036. Public animals will be assigned to their riders or drivers, who will not exchange or surrender them to the use of any other person without the permission of the company commander, quartermaster, or other officer responsible.

1037. Horses and mules inspected and condemned as unfit for service will be advertised for sale and disposed of within ten days from date of advertisement.

VETERINARY MEDICINES.

1038. Veterinary medicines, instruments and supplies for the treatment of public animals and authorized private horses of mounted officers are furnished by the Quartermaster's Department. Estimates will be prepared on the regular form for estimates for quartermaster's stores and in conformity with the standard supply table furnished by the Quartermaster-General.

1039. The quartermaster will have charge of veterinary medicines and dressings, and, under the direction of the commanding officer, will issue and expend such articles and in such quantities as may be necessary. A special requisition for articles not in the table, with an explanation of the nature of the emergency or case rendering it necessary, will be forwarded, through the regular channel, for the action of the Quartermaster-General.

1040. Veterinary instruments and books will remain in the custody of the quartermaster, and will be loaned as needed in the public service.

FORAGE AND STRAW.

1041. The forage ration for a horse is fourteen pounds of hay and twelve pounds of oats, corn, or barley; for a mule, fourteen pounds of hay and nine pounds of oats, corn, or barley. Department commanders will reduce the forage ration when necessary.

1042. Where grazing is practicable, or when little labor is required, commanding officers will order a judicious reduction of the forage ration.

1043. Forage will be issued only during the month when due.

1044. Forage is furnished only to officers for the horses owned and actually kept by them in the performance of their official duties when serving with troops in the field or at military posts and stations, and for the following number: To a lieutenant-general, four; to a major-general or a brigadier-general, three; to a colonel, lieutenant-colonel, major, captain, or lieutenant, mounted, and regimental adjutant and quartermaster, each two.

1045. Mounted officers will not use public horses and at the same time draw forage for those they own; nor will they use public animals except as authorized by regulations. Should circumstances render it necessary, an officer may be temporarily furnished public horses, but during such period he will not be permitted to draw forage for a private horse.

1046. An officer not mounted may purchase forage for two horses kept for his own use, for which he will be charged cost, including transportation. The sale of forage to mounted officers is forbidden.

1047. An officer shall not sell, nor allow to be sold, the forage issued for his own horses or the public animals under his charge; nor shall he use or dispose of, or permit to be used or disposed of, such forage, or any portion thereof except for the purpose for which it was issued. Forage issued for a particular period and unconsumed during the period will be taken up and properly accounted for. The commanding officer will compare the requisitions with the quartermaster's abstracts of issues and sales of forage, and if correct, so certify on the abstract.

1048. When mattresses are not supplied, each enlisted man in barracks and each prisoner in the guardhouse will be allowed a bed sack and thirty pounds of straw per month for bedding, and men in field hospitals, such quantity as the chief medical officer shall certify as necessary. So far as practicable, iron bunks will be furnished to all prisoners in post guardhouses and prison rooms.

1049. One hundred pounds of straw per month is allowed for bedding to each horse or mule in public service. At posts where straw is not furnished hay will be issued and used for bedding.

CARE OF AND ACCOUNTABILITY FOR PROPERTY.

1050. Unless otherwise specially directed by the Secretary of War, there will be at each military post or station but one accountable officer in the Quartermaster's Department, and he will account for all quartermaster's supplies there in use or in store.

1051. When troops are assembled for field service there will be but one accountable officer in the Quartermaster's Department for each regiment, separate battalion or squadron, and he will account for all quartermaster's supplies in the possession of the command of which he is quartermaster.

1052. At places requiring the services of more than one quartermaster, each one charged with the care and disposition of quartermaster's supplies will account for the same.

1053. Officers commanding companies or detachments will be furnished by the quartermaster, on approved requisition, with the necessary authorized quartermaster's supplies; and for all such, except those that may be properly dropped as expended, said commanding officers will give memorandum receipts to the accountable officer, who will continue to bear said supplies on his return until they have been transferred or expended and duly accounted for as required by regulations.

1054. Officers commanding companies or detachments temporarily absent from posts will continue responsible to quartermasters from whom supplies have been procured on memorandum receipts. Should the services of a quartermaster become necessary, one will be appointed for the command.

1055. When troops change station, only such quartermaster's supplies as are authorized, or as may be directed to be transferred will be removed from the station. Company and detachment commanders, prior to departure from a station, will have a settlement with the quartermaster for supplies held on memorandum receipt. For such supplies as must accompany troops, company and detachment commanders will give certificates to the quartermaster. Memorandum receipts that have been thus satisfied will be returned to the respective company and detachment commanders. The quartermaster will forward the certificates, accompanied by the requisite papers for transferring the accountability, to the quartermaster at the destination of the troops. The commanders of incoming organizations upon arrival will report the supplies in their custody and give memorandum receipts therefor to the quartermaster, who will then return to the respective commanders their certificates.

1056. Certificates given for supplies accompanying troops and memorandum receipts given by officers for supplies issued or loaned for their individual use, or for use of the organizations under their command, will be made in the prescribed form, and should any officer, when called upon by proper authority to produce any of the supplies enumerated therein, fail to do so, or to furnish proper evidence that deficient or damaged supplies have been accounted for as required by regulations, the name of the officer delinquent will be reported to the Secretary of War by the Quartermaster-General, and said officer's pay to the extent of the deficiency or damage will be stopped, in conformity with paragraphs 701 and 702. The accountable officer may drop from his return the articles deficient, forwarding the memorandum receipt or certificate as a voucher therefor.

1057. A forage master or wagon master shall not be concerned, directly or indirectly, in any means of transport employed by the United States, or in the purchase or sale of any property procured for or belonging to the United States, except as agent for the Government.

1058. Deliveries under contract will be made monthly when practicable. Officers responsible for stores will take the necessary precautions to prevent loss or damage.

1059. Grain, hay, straw and coal when received will be carefully weighed. Wood will be carefully piled and measured.

1060. Short forage should be contracted for by the hundred pounds, but when a contract for grain is made by the bushel the number of pounds per bushel will be specified in the contract.

1061. Every officer accountable for fuel, forage and straw, at the end of each quarter and also when transferring to a successor, will verify by actual weight or measurement the quantities on hand. In case of transfer, the verification will be made in the presence of the receiving officer.

1062. The quantities of fuel, forage and straw on hand will be certified to by the officer accountable, and his certificate to that effect will be attached to his property return.

1063. The commanding officer of the post will see that the verification required by paragraph 1061 is made, and at the end of each quarter he will send to department headquarters. or if serving at an arsenal or an independent post or depot, to the Quartermaster-General, a certificate stating that the verification has been made, and that, in his opinion, the quantities actually on hand, as determined by such verification and certified to by the accountable officer, are correctly reported. This certificate will be made in duplicate and one will be filed with the post records. In case excess be found, it will be taken up on the return for the quarter. In case of deficiency, a board of survey will be called to make a full investigation and will report the facts, with its conclusions as to the cause of deficiency and responsibility therefor.

1064. Every officer accountable for quartermaster's supplies will keep himself accurately informed by personal examination of the quantities and condition of the property on hand, and will be held strictly responsible that they are correctly reported on his returns. The commanding officer will see that a complete, detailed, and accurate inventory of such property, except that held on memorandum receipts, is taken by the accountable officer in person at least once each year, and as much oftener as he may deem necessary for the interests of the Government. At each transfer of such property both the invoicing and receipting officer will attend in person, and each will satisfy himself, by personal count and examination, that all property invoiced is on hand and in condition as stated in the invoices. When loss, damage, or deficiency is discovered upon taking any of these inventories, a board of survey will be called at once to investigate and ascertain the cause thereof, which it will report with its conclusions as to the responsibility for the same.

HORSES OF MOUNTED OFFICERS.

1065. In the field, at posts, or in active service, sales of horses held in the Quartermaster's Department for issue, sale or keeping may be made to mounted officers, with the approval of the Commanding General of the

Army, or on the authority of the Secretary of War. Horses belonging to troops of cavalry and to batteries of artillery will not be sold nor turned in to the Quartermaster's Department, unless previously inspected and condemned as unserviceable. The price to be paid for a horse purchased by an officer will be its cost to the Government. Purchase and payment will be completed within thirty days from the date of receipt of authority for the sale and the purchase money at once deposited to the credit of the current appropriation. Horses thus sold will not be exchanged or returned.

1066. The use of public horses by officers receiving mounted pay will be regulated by department commanders in conformity with the necessities of the public service. Unless specially excepted by the Commanding General of the Army all mounted officers will be required to keep the private horses necessary for the efficient performance of their duties.

1067 While serving with a light or mounted battery a captain or lieutenant of artillery will be allowed to use a battery horse.

1068. The Quartermaster's Department will provide and issue horse and mule shoes, nails, smith's tools and materials required for the service except the smith's tools of the battery wagons and forges of light batteries. The horses of a troop of cavalry or light battery will be shod by its artificer.

1069. The Quartermaster's Department will transport for officers changing station the number of horses for which they are legally entitled to forage, and an attendant to accompany the horses when necessary, subject to the following restrictions:

1. That the expense paid by the United States shall not exceed $50 for each horse transported. The cost of such shipment will be ascertained in advance, and if found to exceed $50 for each horse, including transportation of attendant, if any, the excess must be prepaid by the owner, who must also pay all the expenses of the attendant other than his transportation.
2. That the horses are owned by the officer and were used by him in the public service at the station from which he is ordered to move.
3. The horses of retired officers or officers ordered to their homes to await retirement, or officers ordered on recruiting service or college detail, or to attend schools of instruction as student officers, or to effect a voluntary transfer, will not be transported at public expense.

TRANSPORTATION.

General Provisions.

1070. For wagon and pack transportation mules will generally be employed, and horses may be used for saddle purposes by wagon masters, messengers, expressmen, and employees or enlisted men pursuing kindred occupations which require them to be mounted. For draft purposes, except at depots or posts in or near large cities where little transportation is needed, horses will not be used unless specially authorized by the War Department.

1071. The allotment of draft and pack animals to each military department will be made by the Quartermaster-General under the direction of the Secretary of War.

1072. The transportation of supplies from place of purchase or from supply depots to military posts, or from one post to another, will be provided under contract made by the Quartermaster's Department, except when the means of transportation authorized in paragraph 1071 is available.

1073. In providing transportation for persons and property, the shortest practicable route will, as a rule, be adopted, although a longer one may be used to secure lower rates when time will permit. When competing routes furnish equal facilities, advantages and rates, each will be given a share of employment.

1074. The allowance of spring wagons, exclusive of the prescribed ambulance for the sick, is fixed at one to each post, except when otherwise authorized by the War Department. All four-wheeled passenger wagons (except ambulances) having springs under the body shall be considered spring wagons.

1075. Spring wagons will be used only by direction of commanding officers and for the purpose for which they are supplied, viz, for the transportation of officers and enlisted men traveling on duty when other means are not available.

1076. The Quartermaster's Department will provide the necessary ambulances for transporting the sick and wounded upon the requisition of the proper medical officer.

1077. All means of public transportation at a post will be accounted for by the quartermaster, and will be under his charge except as provided in paragraph 1415. Post commanders will cause cavalry troops and light batteries to be provided daily with the proper facilities for policing stables and hauling forage.

1078. Commanding officers will give timely notice to the proper officers of the Quartermaster's Department of all contemplated movements of troops and supplies, that proper and sufficient transportation may be in readiness.

1079. The duty of furnishing transportation at any post, station, or depot will be intrusted to one officer of the Quartermaster's Department, on whom requisitions will be made therefor.

Transportation of Persons.

1080. When troops are moved, suitable transportation will be provided; proper orders and exact return of the command will be furnished to the quartermaster who is to provide the same.

1081. On transports, cabin passage will be furnished officers and reasonable and proper accommodations for troops. When practicable a separate apartment will be provided for the sick.

1082. A person requiring transportation will exhibit an order from competent authority, and the quartermaster who furnishes it will make and file a certified copy of the same. The quartermaster will indorse on the original order, over his signature, the fact that transportation has been provided, its kind, the places from and to which it has been furnished, and the number of pounds of extra baggage transported, if any. The original order will be retained by the person who receives the transportation, and in case of a soldier entitled to commutation of rations while traveling, will be disposed of as directed in paragraph 1275. When a quartermaster furnishes transportation, under the provisions of paragraph 110, to a soldier on furlough, he will report the actual or probable cost thereof to the company commander and will enter on the furlough a statement that the transportation has been furnished. The officer paying the account will notify the company commander of the actual amount paid and the date of payment.

1083. When transportation is furnished for the entire journey, the route, if not designated in the order, will be determined by the Quartermaster's Department in accordance with existing rules.

1084. A quartermaster who provides the transportation for troops will notify, by mail or telegraph, the quartermasters at places where changes of route are to be made or means of transportation are to be changed of the day on which the troops will start, their route, destination, the number of officers, enlisted men and animals, and the quantity of public property and baggage for which transportation will be required.

Transportation Requests.

1085. A request for transportation issued by a quartermaster should set forth date and place of issue, time for which it will be valid, name of company required to furnish transportation, name of the person or of the one in charge of the party to be transported, with number thereof, pounds of extra baggage if any, organization to which the person belongs if an officer or enlisted man, the places of original departure and ultimate destination, with the initial letters of each road or line to be used on the journey.

1086. The officer furnishing the request will indorse thereon the authority for its issue, the number, date, and place of issue of the order for transportation, and the nature of the journey or purpose for which it is to be performed, as follows: "Changing station;" "Deserters" (giving name, rank, company and regiment); "Returning from furlough, proper officer notified;" "On detached service" (the nature of the service to be stated); "Discharged soldiers en route home (or en route to paymaster), indorsed on final statement;" "Insane soldier with escort to insane asylum;" "Guard and prisoners;" "En route to or returning from civil court under orders without summons;" "Clerk (or agent) of the Quartermaster's Department;" and cause for travel, etc.; and if the request is issued by virtue of any contract that fact will be stated and the contract designated.

1087. The space on the request reserved for "Remarks" is intended for any extraordinary notice, as, for example, when special rates shall govern, or when limited or unlimited tickets shall issue in cases where two or more classes of tickets are on sale, differing in cost or in time during which they can be used. Where through rates exist, notation should be made upon each of a series of separate requests involving continuous travel over two or more roads to the effect that settlement will be made on the basis of the division, among the roads interested, of the through limited rate for the entire journey. All officers charged with the duty of providing transportation will inform themselves upon these points, and will avail themselves of all opportunities of securing acceptable transportation at the lowest prevailing prices. The accommodations afforded by tourist sleeping cars, colonist or emigrant sleepers (a seat by day and a berth by night for each soldier), will be furnished whenever practicable, provided the cost of such accommodations, in addition to the travel fare imposed, does not exceed the cost of through limited first-class tickets between the points involved. As a rule, such accommodations should be procured at the cost of second-class fare with the price of seat or berth, or both, added; and in forwarding detachments even lower rates may be secured. Disbursing quartermasters will report to the Quartermaster-General all cases of neglect or error on the part of officers issuing transportation requests which result in a waste of public money.

1088. Requests should be properly receipted by the party named therein, and tickets procured before commencing the journey, as conductors are not authorized to accept transportation requests. If more than one person is to be transported, the officer or person in charge of the party, in filling the receipt, will state the number of the persons and pounds of extra baggage carried, and the class and description of transportation furnished. In no case will a receipt be given for transportation of more persons or extra baggage than the request calls for.

1089. The blank receipt at the bottom of the request will be filled in ink, and if the person receipting can not write his name he will make his mark, which will be witnessed. Names and places will be written in full. If the transportation is furnished by other than passenger train or other than passenger cars the fact will be stated in the receipt.

1090. Officers will take advantage of any existing through rates, either for the whole or part of the journey. When transportation is required over several roads by which arrangements have been made for through transportation upon single tickets, a single request, addressed to the initial road, will be issued (except as provided in paragraph 1093), upon which tickets should be procured by the officer issuing it or by the party to be transported.

1091. If transportation is required over a line of roads, one or more of which are land grant and subject to deduction of rates, and a single request is issued therefor, the name of the road, the fact that it is land grant and subject to deduction, also the per centum of deduction, will be stated in the request, and in settlement for the service the deduction on account of land grant will be made.

1092. If arrangements have been made for transportation for a part of the distance at less than the regular through rate, the rate for that part will be stated in the request.

1093. When transportation is required over a land grant road, a separate request may be issued therefor if the road desires it, provided the railroad company agrees that such action will not commit the United States to the payment of local rates for through transportation. Separate requests must be issued in all cases where transportation is required over a bond aided road.

1094. Duplicate requests for transportation will not be issued, nor will a request be issued after the transportation service has been performed.

1095. No portion of a request above the signature of the issuing officer will be changed in any particular. If explanations are required, they will be made on the back of the request.

1096. All unused tickets or parts of tickets procured on a transportation request will be returned to the officer who issued it, and by him forwarded to the officer who pays the account for the service. The value of such ticket or parts of tickets will be deducted from any money due or to become due the company for transportation over whose line they were obtained. On the collection of the value of such unused tickets they will be returned to the company by which they were issued.

1097. When transportation to any given point and return is required, the request for return transportation should be obtained at the destination, provided it can be there procured, except in cases where round trip tickets

can be obtained at reduced rates and made available for the journey; otherwise the quartermaster will issue two sets of requests, one to the place of destination, the other for return transportation.

1098. All facts necessary to enable the paying officer to decide as to the regularity or propriety of the proceedings will be stated upon the request. Should it appear to the paying officer that transportation has been improperly furnished by the issuing officer, he will make payment to the carrier for the service actually rendered, and will send to the Quartermaster-General a statement of all the facts, with a certified copy of the request.

1099. Officers drawing mileage are authorized to carry with them, at public expense, such quantity of baggage as they may require, not exceeding 150 pounds. This will include the portion carried free by the transportation lines.

1100. Officers traveling under orders with transportation furnished them in kind by the Quartermaster's Department, and who desire to retain in their possession a quantity of baggage greater than that passed free for passengers by the carrier, will be furnished with transportation requests, on which will be stated that portion of the 150 pounds of baggage allowed in excess of the quantity which, by the tariff of the respective carriers, is transported free. The officer receiving the request will certify, in the receipt appended thereto, whether transportation for such excess of baggage has been furnished, and settlement will be made by the Quartermaster's Department with the respective carriers accordingly.

1101. The Quartermaster's Department may provide transportation of baggage for enlisted men traveling under orders without troops, not to exceed the following weights:

	Pounds.
Noncommissioned officers	100
Privates of the Hospital Corps	100
Other privates	50

This allowance will accompany each man on the conveyance by which he is transported, and will include the number of pounds of baggage carried free on the passage ticket.

1102. Quartermasters, in issuing requests for transportation of officers and others traveling under orders, will not include therein public property of any description, nor personal baggage in excess of that portion of the allowance of 150 pounds not carried free, and for which transportation at public expense is authorized.

1103. Books of blank transportation requests will be provided by the Quartermaster-General. They will be furnished to quartermasters, who will receipt and account for them. Requests issued will be reported on the prescribed form. The numbers of all requests received, issued, canceled, etc., will be specified in the proper abstracts, and all canceled requests will accompany voucher to Abstract I.

1104. An officer relieved from duty in the Quartermaster's Department or transferred to another station will turn over to his successor all blank requests in his possession, unless otherwise directed, taking a receipt therefor, which will show the blank requests turned over and their numbers.

1105. Blank requests will not be removed from the military department to which they have been furnished, nor will they be transferred to officers

who are not authorized to receive them. If lost or stolen, a report, giving numbers and series of those missing and circumstances attending loss, will be made at once to the chief quartermaster of the department and the Quartermaster-General, and the former will notify the transportation lines in his department and vicinity not to honor them.

1106. The stub of the request, containing its substance, and showing by what authority and for what purpose issued, will be preserved as part of the permanent record of the post or office from which the issue was made.

Ferries, Turnpikes and Bridges.

1107. Whenever it shall be necessary for troops, teams, or employees in the military service to pass on public duty over a legally constituted toll bridge, ferry, or turnpike, the officer or person in charge of the party will apply to the nearest quartermaster for a request for such passage. If he can not obtain it, he will give to the keeper of the bridge, ferry, or turnpike a certificate stating the number of persons and whether mounted or on foot, number of loose animals, teams and animals to each team, for which toll or ferriage is due, and showing that the travel is on public duty. Accounts for such service, accompanied by the request, or certificates duly receipted, will be presented to the nearest disbursing quartermaster for settlement, who, before payment, will satisfy himself that the rates charged do not exceed those authorized, or paid by private individuals, and that the indebtedness was necessarily incurred for the public service. Payment may be made at the authorized or usual rates, unless more favorable terms can be obtained.

Street-Car and Ferry Tickets.

1108. Written requests for street car and ferry tickets will be prepared by quartermasters and forwarded to the Quartermaster-General for authority to purchase. These requests will state the number, character, and cost of the tickets required, and the officers submitting them will certify that the tickets are for use in messenger service in the public business. The tickets when purchased will be taken up on the return and expended solely in the performance of messenger service on public duty. In cases where street car or ferry companies have no tickets for sale, reimbursement for fare paid may be made on a service voucher.

Sleeping Car.

1109. The following persons are entitled, at public expense, to a double berth in a sleeping car, or to the customary stateroom accommodations on steamers where extra charge is made for the same: Officers of the Army traveling on duty with troops; civilian clerks and agents in the military service when traveling under orders on public business; sergeant-majors, ordnance, commissary, and quartermaster sergeants (post or regimental), hospital stewards, chief musicians, principal musicians, chief trumpeters, saddler-sergeants, and sergeants of the Signal Corps, when traveling under orders on public business without troops; also invalid soldiers when so traveling on the certificate of a medical officer showing the necessity therefor. Officers of the Army traveling with troops on day journeys are entitled to seats in day parlor cars, provided such privilege is not covered by sleeping car accommodations already held by them.

1110. Quartermasters providing parlor and sleeping car accommodations will issue requests therefor, and state therein the number of berths or seats required.

1111. When a journey is to be performed covering the route of more than one sleeping or parlor car, separate requests will be issued for accommodations in each car in which the person is to travel.

1112. The holder of a request which calls for sleeping or parlor car accommodations will receipt for the number of berths or seats furnished, naming the points between which they were furnished.

1113. Persons holding requests for sleeping or parlor car accommodations will, whenever practicable, present them to the proper agent, and obtain tickets for the number of berths or seats required, before commencing the journey. When not practicable to do so, berths or seats will be secured from the conductor of the car.

1114. Special sleeping or parlor cars will not be chartered when the expense exceeds the cost of the berths or seats authorized to be furnished.

1115. When it is impracticable for agents or conductors to furnish berths or seats in sleeping or parlor cars, the holder of the request will, on the termination of his journey, return it to the issuing officer with a statement of the reasons why it has not been used, and that officer will account for it on his return.

1116. The Quartermaster's Department will pay accounts for sleeping and parlor car accommodations when made out in the name of the company furnishing them, and based upon requests issued by quartermasters. In settlement it will not allow for a greater number of berths or seats than is called for in the request, although more may have been receipted for; and when a less number has been receipted for than the request mentions, it will pay in accordance with the receipt. When the receipt covers a greater number of berths or seats than is called for in the request, the disbursing officer will report the fact to the Quartermaster-General, but payment for the authorized number will not be delayed.

1117. An officer traveling with troops who incurs expense for authorized sleeping or parlor car accommodations, when it is impracticable to obtain a request therefor, will be reimbursed by the Quartermaster's Department, upon application supported by a receipt for the amount paid by him and a copy of the orders under which the journey was performed.

Transportation of Baggage.

1118. In changing station an officer's authorized allowance of baggage will be turned over to a quartermaster for transportation as freight by ordinary freight lines, unless otherwise ordered by the department commander or higher authority. No reimbursement will be made to an officer who, under such circumstances, sends packages by express or ships and pays for the transportation of his baggage.

1119. The baggage to be transported at public expense, including mess chests and personal baggage, upon change of station, will not exceed the following weights.

Rank.	In the field.	Changing station.
	Pounds.	*Pounds.*
Major-general	1,000	3,500
Brigadier-general	700	2,800
Field officer	500	2,400
Captain	200	2,000
First lieutenant	150	1,700
Second lieutenant	150	1,500
Acting assistant surgeon	150	1,200
Veterinary surgeon	150	500
Post and regimental noncommissioned staff officer, hospital steward, chief musician, and sergeant of the Signal Corps, each	.....	500

These allowances are in excess of the weights transported free of charge under the regular fares by public carriers. They may be reduced pro rata by the commanding officer, if necessary, and may, in special cases, be increased by the War Department on transports by water. Shipments of officers' allowance of baggage will in all cases be made at carrier's risk, including those over roads where tariffs provide for extra charge therefor.

1120. The Quartermaster's Department will transport the authorized change of station allowance of baggage and professional books and papers for officers or enlisted men upon retirement, or who die in the service, from their last duty stations to such places within the limits of the United States as may be the homes of their families, or as may be designated by their legal representatives or executors.

1121. Transportation of change of station allowance of baggage is authorized for such contract surgeons as may be employed, when they join for duty under the first order, and also on return to their homes on the termination of their contracts, if provided for in the contracts. Graduates of the Military Academy and officers promoted from the ranks will be furnished with transportation for field allowance of baggage on their first assignment to duty as commissioned officers. With these exceptions, transportation of baggage at public expense is not authorized for officers joining for duty on first appointment to military service, nor upon reinstatement or reappointment, nor to effect transfers from one company or regiment to another at the request of parties transferred. Officers ordered on temporary duty and officers going abroad as military attachés are not entitled to such transportation. An officer detailed as attaché, however, is entitled to have his full allowance transported from the post he leaves to his home, or to the nearest convenient place of storage, and upon resuming duty in this country from such place of storage to his post of duty. While on journeys as an attaché, the cost of transporting his personal baggage can not be paid by the Quartermaster's Department.

1122. The Quartermaster's Department will furnish transportation for the prescribed regimental and company desks, for the books. papers, and instruments of staff officers necessary to the performance of their duties, and for the medical chests of medical officers; also for the professional books of officers changing station, officers ordered home for retirement, graduates of the Military Academy, and officers joining on first appointment,

which they certify belong to them and pertain to their official duties; also the professional books of hospital stewards changing station, not exceeding two hundred pounds in weight. Invoices of packages turned over to the shipping officer will be accompanied by the certificate of the officer as to character of books, and a certified copy will be attached to the bill of lading issued at the initial point of shipment. The certificate as to the character of the books of a hospital steward will be given by the medical officer under whom he last served.

Transportation of Supplies.

1123. Quartermasters will, prior to shipment, securely pack, seal, and weigh all quartermaster's supplies, if practicable.

1124. Quartermasters and agents shipping public property or baggage will mark every package with the name and station of the officer to whom consigned, and will number them consecutively. Packages of quartermaster's supplies should, so far as practicable, bear consecutive numbers, to be preceded or followed by the numbers given to the packages of other classes of property shipped at the same time; but no two packages of the same shipment will bear the same number, except in case of reshipment of packages already numbered. When supplies are shipped in large quantities, and in packages of like dimensions and weight, numbering may be omitted. In cases of reshipment, stores will be re-marked if necessary by the officer required to reship them.

1125. Officers turning over property to a quartermaster for transportation will plainly mark each package with the name and address of consignee, a list of its contents, its weight, and "U. S."

1126. An officer who turns over supplies to another for transportation in the best condition in which it is possible to put them is relieved from any further responsibility therefor by the receipt of the officer to whom they are intrusted for transportation. Should the officer to whom the stores are consigned discover damage or deficiency, he will apply for a board of survey, before which all concerned will be heard in person or by letter. The board will ascertain and determine the amount and condition of the stores actually delivered to the receiving officer, who will receipt to the officer intrusted with their transportation for the amount and quantity so determined. The latter officer will be held responsible for all damages or deficiency, unless relieved therefrom by the report of the board of survey, duly approved by the reviewing authority.

1127. When a quartermaster receives supplies, transported by a common carrier under agreement with the Quartermaster's Department, which do not correspond to the invoice because of damage or deficiency not attributable to ordinary loss or wastage, the facts will be fully investigated by a board of survey (unless the carrier voluntarily assumes liability for the loss) and the money value of the damage or deficiency will be charged to the party responsible therefor, whether the shipping officer or carrier. The authority which calls the board will, as soon as possible, transmit copies of its proceedings to the forwarding and receiving officers and to the officer authorized to pay the account. In case the responsibility is fixed upon the carrier, the receiving officer will note on the bill of lading the deductions which should be made for such loss or damage by the quartermaster who pays the account. The latter will make the deduction and refund the

amount stopped to the proper department, in the following manner, for example: If from an account of $100 for transportation services there is a deduction of $25 for ordnance stores lost, the quartermaster will take credit under the head "Transportation of the Army" for $75 paid to the carrier, and also for $25 deposited to the credit of the Treasurer of the United States on account of the Ordnance Department; but if the deduction is on account of forage lost by the carrier, he will take credit on his account current, under transportation, for $25 as carried to "Regular Supplies," under which head he will charge himself with that amount.

1128. Transportation by express, when in excess of cost by ordinary freight, must be limited to emergencies, and vouchers in payment must show the emergency and authority for such transportation. Upon application approved by the department commander, a quartermaster may transport public funds by express. In such cases he will receipt only for so many sealed packages said to contain so much public money. When an absent disbursing officer sends his check to the order of the quartermaster, requesting him to express the amount named therein, the latter will receipt for the actual amount to be transported. In case of loss of funds by unavoidable accident, the shipping officer will not be held responsible, and the officer accountable for the funds must seek relief through application to the Court of Claims or to Congress.

Transportation for other Departments.

1129. The Quartermaster's Department will ship all freight that may be delivered to it, securely packed and properly marked, by any of the Executive Departments or bureaus of the Government. Separate bills of lading will be used and the following notation made thereon: "Payable by the Treasury Department," "the Navy Department," "the Interior Department," "the National Museum," "the United States Fish Commission," etc. When practicable, the bureau to which the freight pertains will be stated, for example: "Payable by the Navy Department, Bureau of Ordnance." Accounts in duplicate, supported by these bills of lading, will be prepared by any quartermaster to whom they may be presented, and will be forwarded to the Quartermaster-General. In making up the accounts the same plan as to deduction on account of land grant or bond aided railroads will be pursued as in accounts for transportation of other Government property.

1130. The Quartermaster's Department is authorized to ship (under the regulations governing the transportation of military property, and on the same forms of bills of lading) articles donated to the Medical Museum at Washington, the library and museum of the Military Service Institution at Governors Island, N. Y., or the United States Military Academy at West Point, N. Y. Packages will be marked with the name of the institution, and sent in care of depot quartermaster at Washington or New York, or quartermaster at West Point.

1131. Arms, ordnance stores, and quartermaster's supplies, issued to the several States and Territories under the laws for arming and equipping the militia, will be turned over to the Quartermaster's Department for transportation and delivery at the railroad depot or steamboat dock nearest to the point within the State or Territory designated by the governor thereof. Separate bills of lading will be used in shipping this property.

1132. A quartermaster is authorized to transport books and musical instruments purchased for, or donated to, post chapels or to post or company libraries.

Bills of Lading.

1133. Public property will be transported on bills of lading, which will be numbered consecutively in the order of shipment, beginning with the first shipment of each fiscal year. They will consist of two parts, the original and duplicate, each to be certified by the shipping officer and receipted by the carrier.

1134. Bills of lading will be prepared in the name of the carrier, and will show the points between which transportation is required, also places of original departure and ultimate destination of the freight.

1135. Bills of lading will show the number, marks, contents, and weight or measurement of each package or class of packages to be transported, as follows:

Via (the route to be stated, giving the initials of each road, if practicable).

Marks.	No	No. of packages.	Contents.*	Weight, lbs.
Maj Geo. Bliss, C. S., U. S. A., Washington, D. C. U. S. property.	1 to 20	20 boxes..	Canned corned beef.....	1,200
	21 to 30	10 do ..	Dried salmon.....	1,500
	31 to 35	5 do ..	Evaporated peaches.....	300
	36 to 40	5 do ..	Canned tomatoes.....	300
Maj. John Bell, Depot Q. M., Washington, D. C. U. S. property.	41 to 45	5 do ..	Blacksmith's tools.....	960
	46 to 50	5 do ..	Carpenter's tools.....	384
	51	1 do ..	Mason's tools.....	236
	52	1 keg	Chains.....	372
	53 to 55	3 coils ...	Rope	648
Capt. John Smith, Q. M., U. S. A., Georgetown, D. C. U. S. property.	56 to 60	5 bales...	Coats	550
	61 & 62	2 do ...	Sheets	120
	63 to 65	3 boxes..	Hats	200
	66 to 70	5 do ..	Shoes.....	500
	71 to 75	5 kegs ...	Horseshoes.....	600
	76 & 77	2 do ...	Horseshoe nails.....	75
	78 to 80	3 do ...	Cut nails	360
	81 & 82	2 bundles	Bar iron.....	200
Lt. Jas. Smith, 1st Inf., Ft. Monroe, Va., Changing station. Private property.	83 & 84	2 boxes..	Baggage.....	800
	85 to 88	4 pkgs...	Furniture	900
	89 to 91	3 chests..	Prof. books, papers, instruments, etc. (as the case may be).	100
Co. I, 1st Infantry, Co. property. Ft. Myer, Va.	92 & 93	2 boxes..	Books.....	754
	94	1 do ..	Field desk.....	100
	95 & 96	2 do ..	Band instruments	326
Com'd'g. Officer, Rock Island Arsenal. from Capt. John A. Robinson, 7th Inf.	97	1 do ..	Bayonet scabbards and belts.	160
			Total.....	11,645

*The contents should be shown in sufficient detail to enable the Quartermaster's Department to recover in case of loss, as well as to know in all cases what was actually transported.

1136. In the transportation of baggage with officers or troops, the bill of lading should show plainly whether the whole weight specified in the bill is to be paid for by the United States, or whether a deduction is to be made for the number of pounds allowed each passenger by the carrier. In the latter case, if the actual number of pounds to be deducted is not known, the number of persons receiving transportation will be stated.

1137. Personal baggage of officers will not be shipped on Government bill of lading, except such quantity as is transported at Government expense in change of station, unless transportation by wagon or other conveyance owned by the United States is furnished.

1138. In transporting by rail, the number of animals, number and weight of packages, number of feet of lumber or pieces of timber and dimensions will be expressed in the bill of lading in figures as well as number of car loads; and when transportation is to be paid for by weight, the number of pounds will be stated. In shipments by water at cubic measurement, the same rules as to number, weight, and measurement will be observed. The officer receiving the property, in certifying to its correctness, will write out the weight in words and figures.

1139. Erasures, interlineations, or alterations in bills of lading must be explained thereon by the issuing or other competent officer over his signature.

1140. In no case will a second original or duplicate bill of lading, or a copy of a bill of lading be issued to the carrier for any shipment, nor will a bill of lading be issued after the transportation service has been performed.

1141. The rate of transportation charges and the initial letters of each road by which the supplies are to be transmitted will be inserted in the bill of lading.

1142. The original bill of lading will be given to the carrier at the time the shipment is made, and upon the delivery of the property in good order and condition will be receipted by the consignee and returned to the carrier with such further indorsement as may be necessary to insure settlement. The duplicate will be promptly transmitted by the shipping officer to the consignee, and upon delivery of the property will be receipted in like manner as the original and forwarded to the paying officer. If the shipping officer is not the paying officer, he will be notified by letter of the receipt of the supplies and their condition when received.

1143. Bills of lading will be made payable by the chief quartermaster of the department in which the supplies are to be delivered, unless some other officer has been designated to pay them.

1144. Bills of lading issued for supplies to be forwarded by conveyance owned or leased by the Government will show that no payment is to be made for the service.

1145. Transportation should be provided to ultimate destination and on through bills of lading when practicable. When not practicable, or when through or special rates can not be secured, transportation will be furnished to the most convenient point for forwarding to ultimate destination or to the farthest point to which through or special rates can be obtained.

1146. In transportation of public stores over a line of roads, one of which is land grant and subject to deduction of rates, or is not entitled to payment for transporting such stores, separate bills of lading, stating that it is land grant, may be issued to it if requested.

1147. Bills of lading will not be issued so as to include service beyond the termination of any road owned, leased, controlled, or operated by a bond aided railroad company. When such service is required, separate bills of lading will be issued, but none to include service over more than one bond aided road with its leased lines and branches; the issue of separate bills for through transportation is for the convenience of railroads only, in settling

their accounts, and will not commit the United States to the payment of local rates for any portion of the through transportation. Such bills will indicate the point of original departure and ultimate destination of the freight transported.

1148. In the absence of the consignee or on his failure to receipt, the officer receipting will certify that he is duly authorized to do so, and why the consignee does not receipt. Clerks and agents are not authorized to receipt bills of lading unless the stores are consigned to them or to their care.

1149. In case of loss or damage to property while in possession of the carrier, the bills of lading will not be receipted until such loss or damage is decided upon and the responsibility therefor fixed, except that when the loss or damage has been ascertained and the responsibility fixed without the action of a board, the bill may be receipted and an indorsement made thereon stating the kind of property lost or damaged, its weight or measurement, its full value including cost of transportation, and the name of the company or party responsible therefor. When a receipted bill of lading is demanded by the carrier, it may be receipted by the receiving officer after noting thereon the loss or damage which is apparent, and adding that final settlement will await the action of a board of survey. All the indorsements of the receiving officer on the original bill of lading will be put upon the duplicate.

1150. Payment will be made on the original bill of lading properly receipted and accomplished, but not until the duplicate has been received by the paying officer, except as provided in the following paragraph.

1151. In case of loss or destruction of one part of the bill of lading, the paying officer, after satisfying himself of the fact, will report it to the Quartermaster-General with recommendation as to payment.

1152. In case both parts of the bill of lading have been lost or destroyed, the shipping officer, upon the application of either the carrier, the consignee, or the paying officer, will issue a certificate in duplicate, in the prescribed form. This certificate may be given by the officer in charge of the records of the post or depot, although he may not have made the shipment. Entry should be made in the shipping book of the loss of both parts of the bill of lading, and of the fact that the certificate has been issued. The certificate will be forwarded to the consignee, who will indorse thereon his certificate as to the receipt of the property and its condition. If a board of survey has acted on the shipment, he will attach a copy of the proceedings to the certificate.

1153. A shipping officer will give his certificate only when necessary to enable the carrier to receive payment, and not until he has satisfied himself, by correspondence with the officer to whom the stores were shipped and the officer designated to make payment, that neither part is in their possession. He will also require the affidavit of the carrier, stating that neither part of the bill of lading is in his possession nor can be traced by him, and if subsequently found that he will make no demand thereon, but will at once surrender it to the United States. Upon this evidence, and with the authority of the Quartermaster-General, payment may be made for the service. In case either or both parts of the bill of lading should subsequently be recovered by the shipping officer, he will note the fact in the shipping book and forward the same to the Quartermaster-General.

1154. Officers will satisfy themselves of the loss of the original bill of lading before they surrender the duplicate to the carrier. If lost while in the possession of an officer, his certificate will be sufficient.

1155. In case of the loss of a bill of lading while stores are in transit, railroad companies are requested to forward them to destination, taking such receipts as they may deem necessary to show delivery to connecting lines. They will present these receipts instead of the bill of lading to the disbursing quartermaster, who, after having satisfied himself of their correctness, will make payment as directed in paragraph 1158.

1156. Payment in case of loss of either or both parts of a bill of lading will be promptly reported to the Quartermaster-General by the disbursing officer, who will give description of bill of lading, or certificate, and voucher on which payment is made.

1157. To insure prompt delivery of stores in the absence of both parts of the bill of lading, the consignee may give to the carrier a receipt for the stores actually delivered, which will state that it is given because the bill of lading has not come to hand. The receipt will be recovered and destroyed by the officer who issued it, on the recovery of the bills of lading, or when the certificate provided for in paragraph 1152 shall have been given.

1158. Payment for transportation will be made to the last carrier, unless otherwise provided in the bill of lading, and only for the quantity of stores delivered at destination, except that in case of loss of weight from natural shrinkage en route, the weight shipped, as shown in bill of lading, will be paid for, provided the packages are delivered intact. The payee will be held responsible for all loss or damage to stores while in transit (unless relieved by a board of survey), and such loss or damage will be deducted in making settlement for the service.

1159. Officers in settling accounts for transportation, or forwarding them to the Quartermaster-General for settlement, will obtain from the companies or lines employed authentic and official lists of tariffs in force at date of service, and will attach to the first account so settled or forwarded two copies thereof (one for the use of that office and one for the Treasury), and thereafter, as each account is settled or forwarded, will refer to said lists as long as they are in force. When current rates are charged, a certificate of the proper agent of the line or company performing the service should be appended to the account, setting forth that such rates were the current and lowest rates charged the public at the time the service was rendered. When charges such as drayage, wharfage, tolls, etc., are made as part of an account, they will be fully and separately set forth in the voucher.

1160. When public tariffs do not include the specific articles shipped, the rates and classification of articles analogous thereto will govern. If articles analogous can not be found in the tariff lists, the companies will be requested to classify the articles transported.

Land Grant and Bond Aided Railroads.

1161. General orders will be issued containing full information as to land grant and bond aided railroads, and directing the mode of stating and rendering accounts of such roads for military transportation.

1162. Quartermasters will be designated to receive and prepare the accounts of these railroad companies.

CLOTHING AND EQUIPAGE.

1163. A table showing the price of clothing and equipage for the Army, the allowance of clothing in kind to each soldier for each year of his enlistment, and his clothing money allowance for each year and day thereof, also the allowance of equipage to officers and enlisted men, will be published in orders.

1164. Estimates of clothing and equipage will be made quarterly as follows: On January 1 for a supply to last until June 30; on April 1, until September 30; on July 1, until December 31; on October 1, until March 31. Each company or detachment commander will prepare these estimates on the prescribed form and forward one copy to the post commander at the beginning of the period for which the estimate is made. They will be based on the authorized strength of the command and will show the quantities and sizes of the articles required and of those on hand.

1165. The post commander, after careful revision of these estimates, will cause the quartermaster to consolidate them and add such articles as may be needed for post purposes for the same period. Company or detachment estimates will be retained in the office of the quartermaster for the information and guidance of those concerned.

1166. The quartermaster will forward, through the regular channel, two copies of the consolidated post estimates to the chief quartermaster of the department, accompanied by a statement showing the articles of clothing (specifying sizes), equipage and materials on hand at the post in excess of the requirements of the service for the period covered by the estimate. Chief quartermasters will report to the Quartermaster-General any unnecessary accumulation of clothing or equipage at a post.

1167. After revision and approval of the post estimates at department headquarters, the chief quartermaster will forward the same so as to reach the Quartermaster-General's Office not later than February 1, May 1, August 1, and November 1, respectively.

1168. If at the time estimates are prepared it be known that any of the troops are to change station, their estimates will not be included in the post estimates, but will be forwarded separately. The new station to which the supplies should be sent will be stated.

1169. Should the quantity of clothing and equipage supplied upon the periodical estimates prove inadequate, a special estimate in duplicate giving reasons therefor should be made and forwarded through proper channels to the Quartermaster-General.

1170. Officers of the recruiting service will, prior to the beginning of each quarter, forward estimates for a three months' supply of clothing and equipage to the Adjutant-General of the Army, who, after revision, will transmit them to the Quartermaster-General. These estimates should be made in duplicate and be accompanied by a list of such articles as may be on hand and not required for use during the period estimated for.

1171. Clothing and equipage required by the Engineer Battalion and ordnance detachments will be estimated for at the dates and for the periods indicated in paragraph 1164. The estimates will be made in duplicate and forwarded to the chiefs of the respective corps, who, after revision, will transmit them to the Quartermaster-General.

1172. After the clothing and equipage are received at a post, the quartermaster will make issues in such quantities and at such times as the company or detachment commanders may require and as may be approved by the post commander. No issues of garments of larger sizes than are actually needed will be made for the purpose of altering them into smaller sizes.

1173. All officers making estimates or requisitions for clothing and equipage will conform to regulations and orders fixing allowances. The following tables show the proportion of sizes to each hundred of the articles:

Articles.	Sizes and proportions of each						Total.
	6¾	6¾	7	7¼	7½	7¾	
Helmets	6	21	31	26	12	4	100
Campaign hats	6	21	31	26	12	4	100
Forage caps	6	21	31	26	12	4	100
Canvas caps	6	21	31	26	12	4	100

Articles.	Sizes and proportions of each.												Total.
	1	2	3	4	5	6	7	8	9	10	11	12	
Boots	....	....	....	....	3	11	31	33	16	4	2	....	100
Shoes	....	....	....	....	3	11	31	33	16	4	2	....	100
Uniform dress coats	10	25	30	25	6	4	....	....	....	....	....	....	100
Overcoats	10	25	30	25	6	4	....	....	....	....	....	....	100
Blouses	10	25	30	25	6	4	....	....	....	....	....	....	100
Canvas fatigue coats	10	20	30	20	15	5	....	....	....	....	....	....	100
Stable frocks	15	45	30	10	....	....	....	....	....	....	....	....	100
Undershirts, knit	8	36	38	15	3	....	....	....	....	....	....	....	100
Overshirts, dark-blue flannel	8	36	38	15	3	....	....	....	....	....	....	....	100
Trousers, kersey	5	5	15	15	10	5	10	5	10	10	5	5	100
Trousers, summer	10	20	30	20	15	5	....	....	....	....	....	....	100
Trousers, canvas, fatigue	10	20	30	20	15	5	....	....	....	....	....	....	100
Drawers, canton flannel	15	25	35	20	5	....	....	....	....	....	....	....	100
Canvas mittens	25	45	30	....	....	....	....	....	....	....	....	....	100
Fur gauntlets	....	....	....	....	....	....	....	....	30	50	20	....	100

The sizes furnished require very little, if any, alteration, and estimates should be made as near the exact requirements of the men as possible.

1174. Should any of the sizes of clothing specified in the foregoing paragraph prove inadequate, measurements stated upon prescribed blanks will be forwarded with the estimate for the garments. A certificate that the enlisted man for whom such clothing is intended can not be fitted with the sizes of clothing furnished should accompany each requisition. Additional cost of manufacture, as given in annual price list, will be charged in each case.

1175. Unmade uniform coats, blouses and trousers will be supplied for issue in special cases to enlisted men at cost of materials. They will be obtained from the Quartermaster's Department in the same manner as other articles of clothing, and it is made the duty of commanding officers to see that this clothing, when made, conforms strictly to standard patterns. The materials for each coat, blouse, or pair of trousers, with the buttons, thread, needles, and all necessary trimmings, will be rolled in a bundle, which will be securely fastened and marked with the size of the garment.

1176. When unmade articles of clothing received by officers at military posts are found to be incomplete but otherwise in good condition, they will not be submitted to an inspector for condemnation, but will be turned over to the nearest manufacturing depot to be completed; or a requisition for the missing parts may be made.

1177. The clothing estimated for by each company or detachment commander should, as a rule, be held subject to its wants, but in case of need it may be otherwise issued, and the quartermaster will then call for a sufficient quantity to replace it if necessary.

1178. When clothing is required, a schedule enumerating the articles needed by each man and the money value of each article will be prepared by the company or detachment commander on the prescribed form. This schedule approved by the commanding officer will be sent to the quartermaster, and when the clothing is ready for issue the commander of the organization will be notified. Issue will be made by the quartermaster in the presence of a disinterested commissioned officer, who will witness the signatures of the soldiers upon the schedule, and this will be returned to the commander of the organization, with the certificate of the quartermaster that the articles specified have all been issued. The number of each article and the total value of all the articles issued to each organization will be entered by the quartermaster upon duplicate abstracts of issues. The aggregate money value of all the articles issued must agree exactly with the aggregate value of issues to individuals, and the witnessing officer will make this verification of the accuracy of the schedule before certifying to the correctness of the entries upon the abstract.

The commander of the organization and the witnessing officer will both certify on each copy of the abstract that the issues were made as stated in schedule and abstract, and that the money value of the issue to each man has been entered in the clothing book. These entries in the clothing book, with date of issue and name of quartermaster, will be attested by the witnessing officer. The abstract certified as required above, signed by the quartermaster and approved by the commanding officer, will be the voucher for dropping clothing from the return.

1179. At ungarrisoned or isolated stations where it is impracticable to have the issue witnessed as required by paragraph 1178, the unwitnessed receipts of men for clothing issued to them will be vouchers to the returns of the issuing officer accompanied by his certificate that he has charged on their clothing accounts the money value of the articles issued or has notified the proper officer to make such charge.

1180. Each soldier's clothing account will be kept by the company commander in the company clothing book. The account will show the money value of the clothing received by the soldier at each issue, and his receipt therefor will be taken in the book.

1181. Company and detachment commanders will settle the clothing account of every enlisted man of their respective commands six months after the date of his enlistment, and thereafter on June 30 and December 31 of each year. The entire amount found due the United States for the periods embracing the dates of settlement will be charged to the soldier upon the muster and pay rolls. The money allowance of clothing for the first year will be allotted by half years.

1182. The balance due the soldier at either of these dates will be credited to him upon the company clothing book. It will not be placed upon the muster and pay rolls, but the final balance due at date of discharge will be entered upon the final statements. In case of transfer, the balance due the soldier or the United States will be entered on the descriptive list. All balances of this character will be stated in words and figures.

1183. The clothing account of a soldier who deserts should be settled in full to the date of desertion. The balance due him or the United States will be entered on the next muster and pay rolls after date of desertion. The amount due the United States or the soldier at date of desertion should be ascertained by crediting the soldier with clothing allowance from date of last clothing settlement to the date of desertion (excluding the day of desertion) and debiting him with the money value of all clothing drawn by him; the difference between the two amounts will be the amount due the United States or the soldier.

1184. A deserter is entitled to clothing allowance from the date he surrenders or is apprehended, and the amount due him will be computed from the tables then and subsequently in force. A new clothing account will be opened without reference to his account at date of desertion.

1185. Clothing allowance accruing to a soldier after return to the service from desertion will not be used to reduce the amount of the soldier's indebtedness at date of desertion; the full amount of the soldier's indebtedness must be charged on the roll, to be deducted by the paymaster when he settles the soldier's account.

1186. Whenever the necessity for the issue is certified by the department commander, arctic overshoes, according to pattern in the office of the Quartermaster-General, will be supplied to troops. They will be charged to the enlisted men, but do not form part of the annual money allowance for clothing.

1187. Leggins for all troops, of brown cotton duck, according to patterns in the office of the Quartermaster-General, to be worn on marches and campaigns, will be charged to the enlisted men, but do not form part of the annual money allowance for clothing.

1188. Articles of band uniforms, including music pouches, that do not form part of the annual clothing allowance may be issued, but not charged except in case of loss or damage. The articles thus issued without charge remain the property of the United States.

1189. Canvas mittens and blanket-lined canvas caps conforming to patterns in the office of the Quartermaster-General will be supplied to troops serving in extremely cold regions and to troops stationed at West Point, upon the approval of the department commander or the head of the staff department or corps, as the case may be, at the rate of one pair of mittens and one cap per man per annum. The voucher will show that this issue is gratuitous and made within the above allowance. Issues in excess of such allowance will be charged to the men at regulation prices. In case of loss or destruction of any of said articles of gratuitous issue without fault or neglect on the part of the soldier to whom they have been intrusted, and so certified to by the immediate commanding officer, then the article or articles so lost or destroyed may be replaced without charge to the soldier.

1190. Fur gauntlets and caps and woolen mittens, for all enlisted men, according to pattern in the office of the Quartermaster-General, will be issued at cost price, at the rate of one pair of gauntlets, one cap and two pairs of mittens per annum, when the necessity for such issue is certified by post commanders. These articles do not form part of the annual money allowance for clothing.

1191. There will be issued to troops stationed in extremely cold regions, when the necessity for such issue is certified by the department commander, overcoats made of fur or other suitable warm material, but only to men performing guard duty or field service, when exposure to weather would jeopardize life or limbs by freezing. The coats should be borne on the returns as equipage and charged to enlisted men only in case of loss or damage other than from ordinary wear and tear. If made of fur, they will, on the approach of warm weather, be turned over to the quartermaster, who will observe the following directions for their preservation:

1. Expose them to the sun and then beat them with a light twig or rattan, making sure that all moth eggs, should any have been deposited, are destroyed. The exposure should be thorough and the beating vigorous, but not severe enough to injure the fur or pelt.

2. Repair coats needing it (using for the purpose, as far as practicable, such articles of a corresponding character as can not be again rendered serviceable) and then pack in boxes well lined with petroleum and wrapping paper (the latter being next the goods), exercising care that no holes or other openings are left in the wrappers for moths to enter. Securely nail the boxes and paste paper over all joints. Sufficient petroleum paper may usually be obtained from broken packages of clothing opened for issue, and should it be dry from age or use it can be freshened by rubbing into the surface coal oil, being careful not to use enough to penetrate the wrapping paper.

1192. The Quartermaster's Department is authorized to pay from the appropriation for clothing and equipage a sum not exceeding $1.50 for the laundry work of each recruit at rendezvous and stations who has no funds of his own. The expenditure will be charged on the clothing account of the recruit and so noted on his descriptive and assignment card.

1193. Commanding officers may order necessary issues of clothing to military prisoners who have no clothing allowance, from deserters' or other damaged clothing when there is such in store or from clothing specially provided for the purpose. The receipt of the officer in charge of the prisoners will be the quartermasters's voucher for such issue.

1194. Gratuitous issues of clothing may be made, under the provisions of section 1298, Revised Statutes, to replace articles destroyed to prevent the spread of contagious diseases.

1195. Should it become necessary to issue new clothing for use in the burial of a deceased soldier, as in the case of a man who dies away from his proper command and under circumstances rendering such issues imperatively necessary, the expense of the issue will be borne by the United States, and the clothing will be dropped from the returns of the issuing officer on the orders of the commanding officer, which must recite the necessity for the issue.

1196. Officers may purchase from the Quartermaster's Department such articles of uniform clothing, clothing materials and equipage as they need, provided the property is available. They will certify that the articles are for their personal use.

1197. Officers' servants will not be permitted to wear clothing intended for troops, except underclothing and shoes, which may be purchased in limited quantities, if available, upon the officer's certificate that they can not be otherwise obtained.

1198. Quartermasters are authorized to drop from their returns tent pins and ax, pickax and hatchet helves, upon officers' certificates that the articles have been worn out in service.

1199. Estimates for tableware and kitchen utensils will be made quarterly on the dates and to cover periods named in paragraph 1164. They will be limited to such articles as with those on hand at the time an estimate is submitted shall not exceed in kind and quantity the mess outfit as announced in the general orders prescribed in paragraph 285. Special estimates may be made when necessary to meet emergencies, and in such cases the circumstances constituting the emergencies will be stated.

1200. Commanding officers of posts and of all organizations supplied with tableware and kitchen utensils will exercise a rigid supervision and economy in the care and preservation of all such articles, and any damaged, broken, destroyed or lost through the carelessness of enlisted men will be charged against their pay, as explained in paragraph 685, and a "statement of charges" on the prescribed form will be filed as a voucher with the return from which the articles are dropped. Loss through breakage of china and glassware, not due to carelessness, may be replaced at public expense on proper requisition, provided it does not exceed 20 per cent. per annum, or 5 per cent. per quarter, of the total value of china and glassware to which the mess is entitled (value to be determined by the prices given in the annual price list), and the articles so replaced will be destroyed and dropped from returns in the manner prescribed in paragraph 1198. Any excess of breakage will be replaced only under extraordinary circumstances, or when values have been charged as above provided, and requisitions calling for such excess must show clearly the circumstances or the fact that charge has been made. Estimates calling for articles other than china and glassware must show the necessity for them, and if to replace articles lost or stolen, must be accompanied by the proceedings of a board of survey, unless values have been charged as hereinbefore directed.

1201. There will be furnished by the Quartermaster's Department to all duly authorized bands of the Army the following-named musical instruments, viz: Db piccolo, terz and concert flutes, Eb and Bb cornets, Eb trumpets, Eb and Bb clarionets, Eb altos, Bb trombones (valve or slide), Bb baritones, Eb and Bb bassos, bass and snare drums, cymbals, triangles, music stands and extra parts for the repair of the instruments. Mounted bands may be supplied with a pair of kettledrums in lieu of the bass and tenor drums, cymbals and triangles; and also with altos, trombones, and bassos of helicon shape. This property will be accounted for by the quartermaster of the regiment. When any instrument has become unserviceable it will be submitted to a board of survey. A copy of the proceedings of the board will be forwarded to the Quartermaster-General, with a view to having the instrument repaired, if practicable, or otherwise disposed of.

1202. There will be furnished by the Quartermaster's Department to each light battery two small brass Bb bugles. To every other company two G trumpets with F slides, and, if desired, detachable F crooks. Foot troops may use the drums and fifes in lieu thereof, if desired by regimental commanders. Whistles will be furnished for such sergeants, corporals, or musicians as are required to use them. The foregoing articles will conform to patterns in the office of the Quartermaster-General, and be accounted for as equipage.

1203. A monthly allowance of three brooms and two scrubbing brushes will be issued to each company, and an annual allowance of six scrubbing brushes to each post bakery is authorized. They will habitually be drawn quarterly, but may be drawn when needed. If less than the maximum allowance is drawn in one quarter, credit can not be given in another. The allowance for each noncommissioned staff officer will be three brooms and two scrubbing brushes per annum.

1204. Post commanders may, when necessary, order the issue of six brooms per annum to each public office and building furnished by the Quartermaster's Department, as follows: Post commander's and quartermaster's offices, quartermaster's warehouse, post bakery, school, chapel, and library. The necessity for, and the fact of issue, must in all cases be certified by the officer in charge of the office or building, and verified by the post commander.

1205. The use of serviceable tents or other canvas for any other purpose than that for which such articles are furnished is prohibited, except in case of emergency when necessary to protect public property. When troops are not engaged in active service, all tentage (except shelter tents), all tent stoves and stovepipe will habitually be kept in storage by the quartermaster.

TELEGRAPHING.

1206. The telegraph will be used only in cases of urgent and imperative necessity, in which the delay consequent upon transmission by mail would be prejudicial to the public interests.

1207. The prescribed telegraphic code will be accounted for on the post return and transferred upon change of post commanders. The post commander is required to retain the code in his custody, and is responsible for the key and its proper use. Department commanders from time to time, and particularly when post commanders are changed, will make use of the code.

1208. Accounts for telegrams on military business, prepared on the prescribed form in the name of the telegraph company rendering the service, and accompanied by the original telegrams, will be paid by the Quartermaster's Department, with the following exceptions:

1. Accounts for telegrams which pass over any of the lines constructed and operated along the bond aided Pacific railroads.

2. Accounts for reimbursement of amounts paid by officers for telegraphic service, which will be prepared upon prescribed form.

3. Accounts for telegrams on public business of a confidential nature when, in the opinion of the officer receiving or sending them, it is improper that copies should accompany the accounts, or where copies can not be procured. When it is questionable whether the telegrams are on official business or that the telegraph should have been used, such accounts will be accompanied by full explanations from the officer who sends or receives the telegrams.

The accounts excepted in this paragraph will be forwarded to the Quartermaster-General for settlement.

In settling accounts for telegrams which pass over the lines of more than one company (bond aided excepted), payment may be made on the original telegram, to the initial company, for the entire service.

1209. Telegrams making application for leave of absence or extension of leave, or of inquiry whether leave has been granted, and the replies made thereto by telegraph, will not be sent or paid for as public dispatches.

1210. In framing telegrams all words not important to the sense will be omitted. The last name of the officer addressed, or his title, and the last name of the sender are generally sufficient.

1211. In counting the words of telegraphic messages the following rules will be observed: Names of cities and places, when used to designate such cities or places, and words properly connected by a hyphen, will be counted as one word. Numerals will be expressed in words, and will not be counted as hyphened words. Names of places and persons when given to things will be counted according to the number of distinct words in each. Names such as Van Vliet or St. Nicholas will be counted as one word. All words contained in an official telegram will be counted, including name and title of party addressed and of the sender, but excluding the name of the place from which sent, date, and the words "official business," which should appear on each telegram.

1212. No settlement will be made with the telegraph office to which a telegram is sent unless satisfactory proof be furnished that the office from which it was sent has neither made nor will make any charge for the service.

1213. In each territorial department a quartermaster will be assigned by the department commander to the duty of adjusting and settling telegraph accounts, under the instructions of the Quartermaster-General.

1214. Blank forms for official telegrams will be furnished by the Quartermaster-General for the use of all persons in the military service. When such forms are not used the sender will prepay the message, and will be reimbursed as provided in paragraph 1208.

1215. Nothing is required of officers sending telegrams beyond the delivery of the message to the company. The proper quartermaster will receive from telegraph companies their accounts, with proofs of service (which should be original telegrams whenever practicable), and will prepare and certify vouchers for the same and pay them, or forward them for settlement as is required in paragraph 1208. Information desired by telegraph companies in regard to military business will be obtained from the Quartermaster's Department.

1216. When telegrams are sent "collect," by private individuals, the nature of the telegrams should govern the action of the disbursing quartermaster. If strictly on Government business, payment will be made by the United States.

TELEPHONING.

1217. Where telephoning is practicable, accounts for the same may be paid from the appropriation for the payment of telegraphic service.

RECORDS.

1218. The following books will be kept in the office of every quartermaster:

1. A cash book, in which will be entered, according to appropriations, all accounts received and disbursed, the date thereof, from whom received or to whom paid, and on what account.

2. A book of letters received, including a record of indorsements.

3. A press-copy book, in which all correspondence pertaining to the office, including estimates of funds and requisitions for quartermaster's supplies, will be copied and indexed.

4. A record book of barracks and quarters, kept as directed in paragraph 980.

5. A descriptive book of public animals, kept as directed in paragraph 1034.

6. A record of interments (in case of station at a post), kept as indicated in paragraph 498.

7. A press-copy book of stores and property shipped, in which all bills of lading issued will be copied.

8. A book of stores and property received, kept as provided in the directions therewith.

1219. The required books will be supplied by the Quartermaster-General. They will not be removed from the office except on its discontinuance, when they will be disposed of as directed in paragraph 800. Commanding officers and inspectors will see that they are neatly kept and contain complete and correct records of all matters which should be recorded therein. Com manding officers will also see that they are properly transferred.

1220. All letters received, and copies of all orders for the expenditure of money or property, will remain on file as part of the records of the office. When it is necessary to withdraw a letter for file with the officer's accounts, a duly certified copy will be made to replace it in the office file. Letters pertaining exclusively to the settlement of an officer's accounts belong to him and not to the office files.

RETURNS AND REPORTS.

1221. All property purchased with funds appropriated by Congress for carrying on the operations of the Quartermaster's Department, and all property supplied for the use of the Army through that Department, will be denominated "quartermaster's supplies," and returns for the same will be rendered to the Quartermaster-General quarterly and when the accountable officer is relieved from duty.

1222. All quartermaster's supplies accounted for by an officer will be entered upon one return.

1223. The following returns and reports will be made and disposed of by quartermasters as indicated by the notes on the forms furnished by the Quartermaster-General:

1. Report of persons and articles employed and hired, to be rendered monthly, direct to the Quartermaster-General, within ten days after the expiration of the month. This report will contain a complete record of all services rendered the Quartermaster's Department during the month to which it pertains.

2. Monthly report of all bills of lading and transportation requests issued, except those issued for transportation by conveyances owned or chartered by the United States.

3. Transfer list of persons and articles employed and hired.

4. Report of enlisted men employed on extra duty, rendered monthly, within ten days after the expiration of the month. A copy of the order placing an enlisted man on extra duty, or relieving him therefrom, will

accompany the report for the month during which he was so detailed or relieved. The report will also show in the column of remarks the particular duty upon which each man was employed, and whether services were rendered on other than working days.

5. Statement of outstanding debts, rendered monthly, in time to reach the chief quartermaster of the department on the last day of the month to which it pertains.

1224. Quarterly returns of quartermaster's supplies will be made in duplicate—one copy, with abstracts (except of articles purchased) and vouchers, will be forwarded to the Quartermaster-General within twenty days after the expiration of the quarter to which it pertains; the other retained by the officer. The abstract of articles purchased will be rendered monthly and forwarded with money accounts.

1225. When one quartermaster relieves another, the latter will not enter the receipt for quartermaster's supplies upon the abstract, but directly on the return as "Transferred to successor." The receiving officer will enter the invoice upon the returns as "On hand at the post; received from predecessor."

ARTICLE LXXIX.

SUBSISTENCE DEPARTMENT.

NOTE.—Regulations for the government of the Subsistence Department, prepared and published under the authority of the Secretary of War, are distributed to its officers by the Commissary-General. Only such regulations are herein given as are general in their nature or affect other branches of the service.

GENERAL DUTIES.

1226. The Subsistence Department, under the direction of the Secretary of War, provides for the distribution and expenditure of funds appropriated for subsisting enlisted men and for purchasing articles kept for sale to officers and enlisted men. The Commissary-General furnishes lists of articles authorized to be kept for sale, and gives instructions for procuring, distributing, issuing, selling and accounting for all subsistence supplies.

COMMISSARIES.

1227. Purchasing commissaries make purchases of supplies in accordance with Article LV, and distribute them as directed. Upon direct calls of chief commissaries they transfer to commissaries of posts and stations such funds from the appropriation "Subsistence of the Army" and such authorized subsistence supplies as chief commissaries, under instructions from department commanders, deem necessary.

1228. A chief commissary will make calls upon purchasing commissaries designated by the Commissary-General for funds and supplies for posts and stations supervised by him, and under instructions from the Commissary-General will furnish funds and supplies to posts within his department which are exempted from the supervision of the department commander. He will keep a commissary book for each post and station, and decide whether the quantities of articles called for on requisitions should be allowed, increased, or diminished.

1229. Commissaries will make timely estimates and requisitions, approved by their commanding officers, for funds and supplies for the troops with

which they serve, and forward them, through military channels, to the chief commissaries. If any of the supplies can be obtained advantageously in the vicinity of the places where needed, the fact will be noted in detail on the requisitions by the commissaries.

SUBSISTENCE SUPPLIES IN BULK.

1230. Subsistence supplies comprise—

1. Subsistence stores, consisting of articles composing the ration and those furnished for sale to officers and enlisted men, also lantern candles for stable use, forage for beef cattle, and coarse salt for public animals and rebrining.

2. Subsistence property, consisting of the necessary means for handling, preserving, issuing, selling and accounting for these stores.

1231. The commanding officer of a post will require an inventory of subsistence stores on hand to be made by the commissary in person during the last week of each month. If it is not practicable for the commissary to take the inventory within the time mentioned, he will apply to the commanding officer for the detail of an officer to take it, who will certify, on the statement of gains and wastage, the fact of detail and the date on which he took the inventory; the commissary will certify to amounts of gains and wastage. When such inventory indicates that stores are on hand in excess of the balances shown by the return, the excess will be taken up under the heading "gains." Deficiencies (as restricted by paragraph 1243) will be entered under the heading "wastage." Statements of gains and wastage will be examined and approved by the commanding officer.

1232. Stores longest on hand, if in fit condition, will be first issued, sold, or shipped.

1233. An officer having on hand equivalent parts of the ration (such as pork, bacon and salt beef; or flour, hard bread and corn meal; or beans, pease, rice and hominy) will keep informed as to the number of rations of each available, and determine in what relative proportion each should be issued, and will request his commanding officer to direct such issues as are for the interests of the service.

1234. When articles of food in good condition furnished for sale have accumulated at a post, and will become damaged if kept on hand solely for sale, the excess may be issued to troops in lieu of parts of the ration of equal money value. In case of articles which are equivalents of some of the components of the ration, issues may be made at the rates prescribed for the components. No stores thus issued are to be bought by the commissary as savings.

1235. When canned beef or canned baked beans accumulate at a post in excess of anticipated demands for travel rations or for sale, they may, to prevent loss by deterioration, be issued, upon the order of the commanding officer, at the rates prescribed for those articles when issued as parts of the travel ration.

1236. Subsistence supplies in good condition, but not required for use, will be disposed of under the direction of the Commissary General. In urgent cases, such as sudden abandonment of a post, liability to rapid deterioration, etc., they may be sold, or otherwise properly disposed of, on the recommendation of an inspecting officer approved by a commanding general.

1237. Empty barrels and boxes, hides, tallow and other like property not required for public use, the disposal of which is not otherwise provided for, will be carefully preserved and sold as may be convenient.

1238. Subsistence supplies will not be transferred gratuitously to another staff department, nor obtained, issued, sold, or otherwise disposed of, except as authorized by regulations.

TRANSFERS IN BULK.

1239. When subsistence supplies are to be transported, the invoicing commissary will make timely requisition in writing upon the proper quartermaster, stating as nearly as possible the kind and amount of supplies to be transported, when they will be ready for delivery, when they should reach their destination, and any other information relating thereto which the quartermaster should possess. The commissary will give the quartermaster invoices in duplicate of the packages and their contents as marked, and obtain from him receipts in duplicate. The commissary will forward similar invoices in duplicate to the consignee, and obtain receipts in duplicate from him.

1240. If the receiving commissary finds any discrepancy between the invoices and the quantities, descriptions, or condition of the supplies received, not attributable to ordinary wastage in transportation, he will at once apply to the commanding officer for a board of survey to ascertain the quantity and nature of the discrepancy and fix the responsibility therefor. The receiving commissary will transmit to the invoicing officer receipts in duplicate for the supplies actually received, stating on the receipts the discrepancy ascertained and how, and will file a copy of the proceedings of the board with his return. The invoicing officer will file with his return the receipts accompanied by the quartermaster's receipts.

1241. When subsistence supplies are transferred by one commissary to another at the same station, the invoicing and receiving commissaries will exchange duplicate invoices and receipts therefor. Should any of the supplies not be in good condition, a board of survey will be applied for at once to examine and report upon them. The condition as determined by the board will be noted upon the invoices and receipts, and a copy of the proceedings will accompany each officer's returns.

GAINS, WASTAGE AND DEFICIENCIES.

1242. Wastage will be reported not on the presumption that it exists or will exist, but on the fact that it actually exists as determined by the monthly inventory. It is not allowed on fresh beef furnished directly by a contractor. Gains are taken up as required by paragraph 1231.

1243. Actual, unavoidable wastage, occurring during transportation or resulting from evaporation, leakage, etc., or in making issues and sales, may be accounted for as wastage when the amount does not exceed three per cent. in case of salt meats, salt fish, flour, hard bread, corn meal, sugar, soap, salt, molasses, syrup, dried fruit, or pickles; or one per cent. in case of beans pease, rice, hominy, coffee, tea, candles, or pepper.

1244. Salt and vinegar used in rebrining or pickling, and waste of stores in overhauling and repacking, will be accounted for by the certificate of the commissary approved by the commanding officer.

1245. Deficiencies exceeding the percentages specified in paragraph 1243, or in articles for which a limit of wastage is not therein indicated, or arising from losses by straying or death of beeves, or errors in their estimated net weight, or from losses by theft, fire, or vermin, or from deficient or unsuitable means of storage, etc., will be accounted for: (1) by boards of survey; (2) by affidavits; (3) by certificates of disinterested commissioned officers. Boards of survey should generally report upon such deficiencies, affidavits or certificates being used only in cases where the amount involved is very small, or when it is impracticable to assemble a board.

1246. The facts and quantities involved will be fully set forth in all affidavits or certificates accounting for losses or extraordinary wastage, and in certificates of stores or property expended in preserving supplies. When loss or improper issue of supplies is not satisfactorily explained, their cost will be taken up on the account current of the accountable officer.

STOREHOUSES.

1247. Storehouses, sheds, paulins, or other means of covering and protecting subsistence supplies will ordinarily be provided by the Quartermaster's Department.

1248. Commissaries will make daily inspections of their storehouses; see that they are kept dry and well ventilated, that the stores are properly cared for, that barrels and buckets of water and other means of extinguishing fires are ready for use, and that all proper precautions are taken to guard against loss.

1249. Coal oil, gunpowder, quicklime, or other articles of like dangerous nature will not be kept in or near subsistence storehouses.

FRESH MEATS.

1250. Fresh meats from the block will usually be provided for troops by contract. Beef cattle will be purchased only when necessary for supplying beef to troops in campaign or on the march.

THE RATION.

1251. A ration is the allowance for subsistence of one person for one day, and consists of the meat, the bread, the vegetable, the coffee and sugar, the seasoning, and the soap and candle components.

1252. Enlisted men and hospital matrons are each entitled to one ration per day. When the circumstances of their service make it necessary, civilians employed with the Army may each be allowed one ration per day.

1253. The kinds and quantities of articles composing the ration for troops where cooking is practicable, and the quantities computed for 100 rations, are as follows:

Articles.	Quantities per ration.		Quantities per 100 rations.		
	Ounces.	*Gills.*	*Pounds.*	*Ounces.*	*Gallons.*
MEAT COMPONENTS.					
Fresh beef	20		125		
or fresh mutton, when the cost does not exceed that of beef	20		125		
or pork	12		75		
or bacon	12		75		
or salt beef	22		137	8	
or, when meat can not be furnished, dried fish	14		87	8	
or pickled fish	18		112	8	
or fresh fish	18		112	3	
BREAD COMPONENTS.					
Flour	18		112	8	
or soft bread	18		112	8	
or hard bread	16		100		
or corn meal	20		125		
Baking powder for troops in the field, when necessary to enable them to bake their own bread	$\frac{19}{32}$		4		
VEGETABLE COMPONENTS.					
Beans	$2\frac{3}{4}$		15		
or pease	$2\frac{3}{4}$		15		
or rice	$1\frac{3}{4}$		10		
or hominy	$1\frac{3}{4}$		10		
Potatoes	16		100		
or potatoes, $12\frac{3}{4}$ ounces, and onions, $3\frac{1}{4}$ ounces	16		100		
or potatoes, $11\frac{1}{4}$ ounces, and canned tomatoes, $4\frac{3}{4}$ ounces; or $4\frac{3}{4}$ ounces of other fresh vegetables not canned, when they can be obtained in the vicinity of the post or transported in a wholesome condition from a distance	16		100		
COFFEE AND SUGAR COMPONENTS.					
Coffee, green	$1\frac{3}{4}$		10		
or roasted coffee	$1\frac{7}{32}$		8		
or tea, green or black	$\frac{7}{32}$		2		
Sugar	$2\frac{3}{4}$		15		
or molasses		$\frac{19}{32}$			2
or cane syrup		$\frac{19}{32}$			2
SEASONING COMPONENTS.					
Vinegar		$\frac{3}{32}$			1
Salt	$\frac{19}{32}$		4		
Pepper, black	$\frac{1}{32}$			4	
SOAP AND CANDLE COMPONENTS.					
Soap	$\frac{19}{32}$		4		
Candles (when illuminating oil is not furnished by the Quartermaster's Department)	$\frac{3}{32}$		1	8	

In adjusting charges to be made against enlisted men or others on account of increased expense to the Government for their subsistence, the value of the ordinary ration will be estimated at 18 cents; that of the travel ration at 40 cents.

1254. When troops at a post raise their own vegetables, or when they are not supplied with fresh vegetables in kind by the commissary, commutation will be allowed at the prices of potatoes and onions in the vicinity of the post or in the market from which the post is supplied, in the proportion of 80 per cent. of potatoes and 20 per cent. of onions, the commutation prices being determined monthly by the Subsistence Department.

1255. At posts and stations where illuminating oil is furnished by the quartermaster, candles are not issued as part of the ration except to individuals whom it is not practicable to supply with oil.

TRAVEL RATION.

1256. When troops travel otherwise than by marching, or when for short periods they are separated from cooking facilities and do not carry cooked rations, the following articles will be issued in lieu of all components of the ordinary ration. They constitute the travel ration:

Articles.		Per 100 rations.
Soft bread	pounds	112½
or hard bread	do	100
Beef, canned	do	75
Baked beans, 1 pound cans	number	33
or baked beans, 3-pound cans	do	15
Coffee, roasted	pounds	8
Sugar	do	15

After troops have been subsisted upon the travel ration for four consecutive days, they may be allowed canned tomatoes in addition to the travel ration at the rate of one pound of tomatoes per man per day. When they arrive at their destination or rejoin their station, subsistence upon the ordinary ration will be resumed immediately, and any unconsumed articles in good condition which they may have on hand will not be sold as savings, but will be turned over to the commissary.

LIQUID COFFEE.

1257. When enlisted men supplied with cooked or travel rations travel unaccompanied by an officer, funds for the purchase of liquid coffee in lieu of the coffee and sugar portion of the travel ration, at the rate of 21 cents per day for the anticipated number of days' travel, may, on the order of the commanding officer who directs the journey, be paid to each man, and his receipt therefor taken on a receipt roll, which must be accompanied by a copy of the order. When enlisted men supplied with cooked or travel rations travel under command of an officer, funds at the same rate, for the same purpose, will be transferred to him, to be disbursed and accounted for. At the end of the journey the unexpended balance, if any, will be transferred to the nearest commissary.

ISSUES OF RATIONS.

1258. Issues of rations to troops will be made on ration returns signed by the immediate commanders of the organizations, and the issues ordered by the commanding officer of the post or station. Ration returns will be made, ordinarily, for a few days at a time, for the individuals of the organizations actually present, and for only such quantities as the organizations can receive and properly care for, and will be presented at the place where and time when rations are due. Rations will not be issued for a past period, if troops have been sufficiently subsisted; nor will back rations be purchased as savings.

1259. The ration as issued to troops will be issued to the detachment of the hospital corps and to the hospital matrons serving at a hospital, but the meat component to which the sick therein are entitled may, at the discretion of the medical officer in charge, be called for and issued wholly in fresh beef or partly in fresh beef and partly in salt meats.

1260. Issues of rations to civilians employed with the Army will be made on ration returns signed by the officers in charge of the employees, when ordered by the commanding officer.

1261. Issues of rations will be made in the full net weight or measure of the articles called for. Articles required for consumption will be removed from the storehouse. Those remaining will be settled for as savings, under paragraphs 1269, 1270 and 1271. No articles once removed from the storehouse will be purchased as savings, except on the order of the commanding officer.

1262. When one, two, or three enlisted men travel under orders, the travel order of each man will have indorsed on it the certificate of his commanding officer as to the time to which he was last rationed, etc., in the form prescribed by paragraph 1275, and if commutation of rations is allowed, it will be paid in the manner directed by that paragraph. Travel orders retained by soldiers will be turned over to the commissary from whom rations are next to be drawn, who will file them with his abstract of issues, or his receipt roll of commutation paid, as the case may require. When any considerable detachment of enlisted men leaves a post or command, the detachment commander will be furnished by the commissary with a ration certificate giving the number of men and the organizations to which they belong, and setting forth the date to which, and by whom, rations were last issued for them, which ration certificate will be presented to the commissary from whom rations are next drawn, who will file it with his abstract of issues. Employees entitled to rations are, when detached, furnished with ration certificates.

1263. When a person entitled to rations leaves an organization or is ordered to travel with travel rations, the rations issued to him for any period beyond the date of his leaving and not taken with him will be deducted on the next ration return of the organization. The name of the person, with a statement of the facts, will be entered on the ration return. The ration return of an organization will include all persons belonging to it who are to draw their rations separately; the names of such persons will be written on the ration return.

1264. At a post where a general mess is established, the issues ordered by the post commander to be made to the command for a ration period will be entered on the outer fold of a ration return, and the separate ration returns of the organizations composing the command for the period will be inclosed in this ration return as a wrapper. The entry of such an issue on the abstract of issues will show the several organizations for which the issue was ordered, giving the strength of each, as well as the detailed information as to additions and deductions contained in the separate ration returns.

OTHER ISSUES OF SUBSISTENCE STORES.

1265. The following issues are made when necessary for the public service:

Articles.	Allowance.	
	Quantity in bulk.	Equivalent in rations.
1. Candles, when oil for illuminating purposes is not furnished by the Quartermaster's Department:		
To headquarters of a department, per month	30 pounds	2,000
To headquarters in the field—		
Of each separate army, when composed of more than one corps, per month	40 pounds	2,667
Of an army corps, per month	30 pounds	2,000
Of a division, per month	20 pounds	1,333
Of a brigade or regiment, per month	10 pounds	667
Of a battalion serving separately from regimental headquarters, per month	10 pounds	667
To offices and storerooms—		
Of the chief quartermaster or chief commissary of a department, or depot of supply, from April 1 to September 30, per month	10 pounds	667
Of the quartermaster or commissary of a post, from April 1 to September 30, per month	5 pounds	333
From October 1 to March 31, not exceeding double the above quantities.		
To guards—		
To the principal guard of each camp, per month	12 pounds	800
2. Lantern candles:		
To stables—		
Such number of pounds as the commanding officer may order as necessary.		
3. Salt:		
For public animals—		
For each animal, per week	2 ounces	3
Or, when in the opinion of the commanding officer so much is necessary, not exceeding, per month	12 ounces	19
4. Vinegar:		
For every 100 public horses or mules, for sanitary purposes—		
Such amount as the commanding officer may order as necessary, not exceeding, per week	2 gallons	200
5. Flour:		
For paste used in target practice—		
Such quantity as the commanding officer may order as necessary, not to exceed 50 pounds for each troop, battery, or company during the target-practice season.		
6. Matches:		
For lighting fires and lamps for which fuel and illuminating supplies are issued—		
Such quantities as the commanding officer may order as necessary.		

The issues are made on ration returns signed by the officer in charge and issues ordered by the commanding officer, the latter determining what quantities within the limits above prescribed shall be issued. Candles, salt, vinegar and flour for the above purposes are entered on the ration returns and on the abstract of issues in terms of rations, lantern candles in pounds, and matches in boxes. The returns and abstract show for what places the candles are intended, and the number of animals and period for which salt and vinegar are drawn, giving the troop, battery, etc., to which they belong.

1266. Small quantities of food (articles of the ration) may, on the order of the commanding officer, be issued to Indians visiting a military post. The order will state the number of Indians and their tribe, number of days for which the issues are made, quantities, and necessity for the issues. Indians will not be continuously subsisted in this manner except by authority of the Secretary of War. A copy of the order directing the issue will accompany the abstract of issues.

1267. Subsistence will not be issued to destitute persons except when the commanding officer assumes the responsibility of ordering the issue to relieve starvation or extreme suffering. In such cases the circumstances will be fully stated in the order.

1268. The commanding officer will certify to the accuracy of the abstract of issues upon comparison with the ration returns, which will be retained by him. The abstract of issues so certified and accompanied by copies of orders or authorities contemplated by paragraph 695 is the commissary's voucher for the issues.

SAVINGS.

1269. Articles of the ration (excluding fresh vegetables, bread and baking powder) due a bakery, a company, or any organization, not needed for consumption, will be retained by the commissary if required for reissue, and will be purchased as savings at the invoice prices. Savings and sales of fresh beef (except of that issued for the sick in hospital, the detachment of the hospital corps and the hospital matron serving therein) are prohibited; baking powder issued but not used will be returned to the commissary. The commissary will purchase the savings of hospitals (including fresh beef) at cost prices when the surgeon in charge so desires, but will not purchase savings of companies, bakeries, or any organization when public loss would result. When not required for reissue, savings may be sold to any person.

1270. Savings purchased by the commissary will be entered on a receipt roll, in duplicate, in the name of the organization to which they belong, and the money value receipted for by the officer in charge thereof. Payments for hospital savings will be made to the surgeon of the post or station.

1271. If savings are not paid for by the commissary in the month in which accumulated, the proper organization will be furnished with an extract, in duplicate, of the receipt roll, showing stores received from it and the amount due, which, duly certified by the commissary and approved by the commanding officer, will be presented for payment to any commissary having funds for the purpose.

COMMUTATION.

1272. Commutation of rations may be allowed at the following rates, under the conditions mentioned, viz:

Conditions.	Rate per day each.
1. To a soldier at the conclusion of his furlough, provided that on or before the last day thereof he has reported at his proper station or has been discharged	$0.25
2. To sergeants of the post noncommissioned staff (and soldiers acting as such) on duty at forts and stations where there are no other troops	.40
3. To a soldier on detached duty, stationed in a city or town where subsistence is not furnished by the Government	.75
4. To a soldier traveling under orders from a place or station at which his rations have been regularly commuted	1.50
5. To enlisted men traveling under orders (when the journey can not be performed in twenty-four hours and it is impracticable to carry rations of any kind), as follows:	
To an enlisted man traveling alone	1.50
To two enlisted men traveling as a detachment or traveling as a guard to an insane patient or military prisoner, each	1.50
To an insane patient or military prisoner traveling under guard of one or two enlisted men, to be paid, on the order of the commanding officer, in advance to, and to be receipted for by, the person to whose charge the patient or military prisoner is committed by the order	1.50

1273. Commutation of rations will not be allowed to enlisted men serving where subsistence is furnished by the Government; or traveling under orders when they can carry and cook their rations, or can carry cooked or travel rations; or traveling under orders by steamboat or steamship where the passage rates include meals; or failing to report at their proper stations on or before the last day of furlough unless discharged; or recruiting parties at their stations; nor to civil employees.

1274. An order directing the travel of an enlisted man will state that the journey is necessary for the public service. If it be impracticable for him to carry rations of any kind, the order will so state and will direct commutation of rations to be paid; if required to be paid in advance, the number of days will be stated.

1275. Commutation of rations allowed to an enlisted man while traveling, when not directed to be paid in advance, will be paid to him at the end of his journey, upon presentation of the order for the journey with the certificate of his commanding officer thereon in the following form: "Last rationed to include ———, 18—; will leave station at ———, ———, 18—; the rations overdrawn will be deducted from the ration return of company ——, ——— Regiment of ———, for the period from ———, 18—, to ———, 18—," and a certificate signed by a commissioned officer in the following form: "Joined station at ———, ———, 18—." The period allowed by the paying officer will be the time required over the shortest usually traveled route. If ordered paid in advance, it will be paid upon presentation of a certified copy of the order directing the payment, having thereon the certificate in the above form of his commanding officer. In this case the paying officer will indorse the date, mode, and amount of payment, over his signature, on the order which is retained by the soldier, and certify on the copy that he has made such indorsement. The soldier will deliver his retained order to the commissary at the station where rations are next drawn, who files it with his abstract of issues. The order, or copy thereof, on which commutation has been paid will be filed as a sub-voucher to the receipt roll, and the paying officer will indorse on the order, or copy thereof, the date, mode and amount of payment.

1276. The furlough of an enlisted man will show, by memorandum of his company commander, to what day he was last rationed and the number of rations, if any, drawn for him previous to his going on furlough, for the time covered by the furlough, and the certificate of his company commander on the back of the furlough will show the date on which he rejoined his proper station or was discharged and that the rations overdrawn for him were duly deducted from a ration return of his company. If entitled to commutation he will be paid by any commissary upon the presentation of the furlough containing the above memorandum and certificate. The paying officer will file the furlough as a sub-voucher to his receipt roll, and indorse on the furlough the date, mode, and amount of payment.

1277. When an officer orders commutation of rations to be paid, or rations to be issued, to a soldier on furlough to enable him to reach his proper station, the paying or issuing officer will report the full amount paid, or the money value of the issue, to the soldier's company commander. Should the soldier reach his station on or before the last day of his furlough, the company commander will charge the full amount of the payment or issue against his pay on the next muster and pay roll. Should he reach his post after the

expiration of his furlough, and the delay be not excused, the full amount will be similarly charged. Should the overstaying of his furlough be excused, the full amount, diminished by the value of the ration, at 18 cents per day, for the number of days during which he was absent after the furlough had expired, will be charged.

1278. When a furlough is lost, a certified copy prepared by his company commander, with the soldier's affidavit stating when, where, and the circumstances under which the loss occurred, that he reported at his station on or before the last day of his furlough or was discharged, and that no rations have been furnished nor commutation paid him for any portion of the time during which he was on furlough, may be presented within six months after the loss, through his company and post commanders, to the chief commissary for payment or other disposition.

1279. Enlisted men having claims for commutation of rations and who are at a distance from a paying commissary will be paid upon forwarding to the paying commissary their travel orders or furloughs, properly made out, accompanied by receipts, in duplicate. Enlisted men on detached duty entitled to commutation of rations may be similarly paid upon the certificate of the officer under whom they serve, setting forth the period for which commutation is due, accompanied by a copy of the authority for its allowance, or by a reference to such authority if previously furnished.

SALES.

1280. Subsistence stores (except forage for beef cattle) will be sold for cash to an officer of the Army, or to a contract or veterinary surgeon, at cost price, on his certificate that they are for his personal or family use, or for the use of an officers' mess of which he is the caterer. They will also be sold during the absence of an officer to a member of his family authorized by him to purchase in his name, upon a written request by him to the commissary.

1281. Sales to officers paid for within the calendar month in which made will be regarded as cash sales; if not paid for within that month, they will be reported as credit sales and so accounted for, and the amounts due collected through the Pay Department.

1282. Sales of reasonable quantities of stores will be made to an enlisted man, for cash, upon his declaration, in writing, that they are intended for his own use. A company, detachment, hospital, post bakery, or post exchange may purchase for cash under similar conditions, and upon the certificate of the officer in charge.

1283. Exceptional articles of subsistence stores called for by officers and enlisted men, to be paid for by them regardless of condition upon arrival at posts, may, under such instructions as to purchase and accountability as may from time to time be given by the Commissary-General, be purchased and turned over to the Quartermaster's Department for transportation to the posts where desired.

1284. To a civilian employed with the Army at a remote place, where food can not otherwise be procured, stores will be sold for cash, in limited quantities, for his own use, at invoice or contract prices with 10 per cent. added.

1285. Sales may be made on credit to officers and enlisted men who have not been regularly paid, or who are in the field. Officers will certify that the stores are for their own use, and receipt for them. Enlisted men will obtain permits from their company commanders, approved by the commanding officer, for purchases on credit. Permits will not be given to a soldier in excess of the unencumbered pay due him, nor in any month in excess of his monthly pay. A recruit may be furnished on credit with such of the following articles as may be needed by him, viz: A hand basin, a piece of soap, a tooth brush, two towels, a comb, a hair brush, a shoe brush and a box of shoe-blacking.

1286. Articles purchased by the Subsistence Department by net weight will be sold at net weight at the time of sale. Where the weight of a wrapper or cover at the time of purchase was included in the weight of an article, it will be included in the weight when the article is sold. Articles in cartons, packets, or sealed cans will be sold as purchased.

1287. Post commanders will regulate sales and delivery of supplies. Selling (except by the exchange) or bartering of supplies purchased from the commissary is forbidden.

1288. The commissary who sells to an officer on credit will furnish him with a certified bill in detail, which will be noted by the officer on his next pay account, as follows: "Deduct —— dollars and —— cents due the Subsistence Department for stores purchased on credit from Lieut. ———, Commissary, Fort ———, in the month of ———, 18—." If there are several bills, they will be entered separately.

1289. The commissary who sells to enlisted men on credit will make a statement of dues, in triplicate, for each company or organization to which the men belong; one copy will be furnished to the company or other commander, who will charge the dues on the next pay roll, and on subsequent rolls, until collected. If a recruit leaves his station or rendezvous before the money value of the toilet articles furnished him on credit has been collected, the amount due will be noted on the descriptive and assignment card, in order that the paymaster may withhold it at the first payment after the recruit has joined his company.

1290. Amounts due from credit sales will be collected by paymasters, taken up by them and promptly transferred to a disbursing commissary, the paymaster giving duplicate invoices and taking receipts on each pay account or pay roll.

1291. Sales will be consolidated monthly on an abstract in duplicate. The commanding officer will satisfy himself that the purchases have been properly authorized and duly made, and will so certify on the abstract. The copy of the abstract accompanying the commissary's account current will serve as a voucher to the account current, as well as to the officer's return.

1292. On the first day of each calendar month a list will be prepared at each post showing the prices at which stores will be sold during the month. The price for each article will be the invoice price of the last lot of that article received prior to the day on which the price list is prepared.

BLANK FORMS.

1293. Blank forms will be furnished to commissaries on periodical requisitions sent direct to the Commissary-General. Officers at posts will obtain them from the commissaries.

ACCOUNTS AND RETURNS.

1294. The following accounts and returns, prepared in accordance with the directions printed on the blanks, are required:

1. Account current, prepared and forwarded by each officer accountable for subsistence funds, within ten days after the close of each month, accompanied by vouchers.

2. Return of subsistence stores, by each officer accountable, forwarded at the same time as the account current, accompanied by vouchers, etc.

3. Return of subsistence property, rendered quarterly, within ten days after the close of the months of March, June, September, and December, by each officer accountable, accompanied by abstracts, vouchers, etc.

ARTICLE LXXX.

PAY DEPARTMENT.

NOTE.—Regulations for the government of the Pay Department, prepared and published under the authority of the Secretary of War, are distributed to its officers by the Paymaster-General. Only such regulations are herein given as are general in their nature or affect other branches of the service.

GENERAL PROVISIONS.

1295. The Pay Department, under the direction of the Secretary of War, has charge of the supply and distribution of and accounting for funds for the payment of the Army, and such other financial duties as are specially assigned to it.

1296. The chief paymaster of a department, under the direction of its commander, will have control of all paymasters stationed therein, and be responsible for the payment of the troops of the command.

1297. Military commanders in directing payments will not require the paymaster to be absent from his station on the last day of the month, except for special reasons, which will be reported to the Adjutant-General of the Army.

PAYMENTS TO OFFICERS.

1298. Officers will be paid monthly, on duplicate accounts, certified by themselves, according to prescribed forms.

1299. When an officer is absent from his station, a paymaster will, before paying him, require proof of authority for such absence.

1300. An officer will not hypothecate nor transfer a pay account not actually due. When due it may be transferred by indorsement, naming the party to whom transferred, and may be paid by the proper paymaster if satisfied of the genuineness of the officer's signature and if no stoppage or other disability as to pay prevents. The date of transfer, certified by the officer whose account it is, will appear in the indorsement. When an officer transfers a pay account, he will, at the time of transfer, communicate the fact to the chief paymaster of the department, through the paymaster who is expected to pay it. If the officer be on leave, or if his accounts be payable in Washington, the notification of transfer will be made to the Paymaster-General.

1301. The following officers, in addition to those whose pay is fixed by law, are entitled to pay as mounted officers: Officers of the staff corps below the rank of major, officers serving with troops of cavalry, officers of a light battery duly organized and equipped, authorized aids duly appointed, officers serving with companies of mounted infantry, and officers on duty which in the opinion of the department commander requires them to be mounted and so certified by the latter on their pay vouchers. Acting judge-advocates of military departments, duly detailed, are entitled, while so serving, to the rank, pay and allowances of captains of cavalry.

1302. Department commanders will announce, in orders, the authority obtained from the Secretary of War for mounting companies of infantry, giving the date from which such mounted service commences, and termination of the same.

1303. Muster rolls and returns of light batteries and companies of mounted infantry will show the number, date and source of order authorizing mounted service. The pay accounts of officers charging mounted pay will contain the same information. A copy of the order will be attached to the first muster rolls prepared after the battery or company has been equipped or mounted; a copy of the order discontinuing such service will appear on the first muster rolls prepared after its discontinuance.

1304. An acting commissary will be paid the additional pay allowed by law, on the certificate of the Commissary-General that he has performed the duty contemplated therein during the time charged. To entitle him to this pay he must be detailed under proper orders from some established post or body of troops, and must issue full rations to troops from stores for which he is responsible.

1305. No officer shall receive pay for two staff appointments for the same time. This prohibition does not prevent a quartermaster of a regiment who, in addition to the duties of his office, may be acting commissary, from receiving the extra compensation allowed by law for performing the duties of the latter.

1306. A person appointed to the Army, or receiving an appointment to a new office therein, is entitled to pay from date of acceptance only. In all cases of promotion an officer is entitled to pay from date of vacancy.

1307. An officer leaving the service will, before receiving final payment, produce certificates as to his indebtedness to the United States, and will make oath upon the final voucher to the correctness of the several items contained therein, stating the place of his residence, and that he is not indebted to the United States on any account whatever, except as shown by said certificates.

1308. An officer who tenders his resignation while on duty will receive pay to include the date on which he receives notice of acceptance, if he continue on duty until that time; or if sooner relieved from duty, to include the date of relief. An officer whose resignation takes effect while on leave will be paid to include date of acceptance.

1309. An officer placed upon the retired list will receive active pay to include the date of retirement. If on duty, he will receive such pay to include the date of relief from duty.

1310. An officer dismissed by sentence of court-martial will be paid to the date of termination of service, as specified in the order promulgating the sentence.

1311. In computing longevity pay, service performed as cadets at the Military or Naval Academy, or as enlisted men of the Army or Navy, will be counted.

1312. In payments to officers and enlisted men, the days of commencement and expiration of service will be included. When service begins on the 31st day of a month, pay will not be allowed for that day.

1313. An officer of the Army appointed to a grade in the volunteers or militia in the service of the United States superior to that held by him in the Army will be entitled to the pay and emoluments of the grade to which appointed, after muster therein.

PAY DURING ABSENCE.

1314. Officers and enlisted men in arrest and confinement by the civil authorities will receive no pay for the time of such absence; if released without trial, or after trial and acquittal, their right to pay for the time of such absence is restored.

1315. To entitle him to full pay during absence on account of sickness or wounds, an officer must exhibit to the paymaster an order from competent authority granting or extending his sick leave. During the time necessarily consumed in making the journey to his post, an officer joining from sick leave is entitled to full pay as if on duty.

1316. The pay accounts of an officer on leave during his absence will exhibit the date of commencement of leave, authority therefor, and, in case the account is for the month in which the absence terminates, date of return to duty. In all cases the day of departure, or relief from duty, will be counted as a day of duty and the day of return as one of leave.

1317. In determining the period for which an officer is entitled to full pay on leave, time within four successive leave years, terminating with the one in which absence is taken, will be considered. If the absence does not cover the entire period for which full pay is allowed, the balance thereof will be placed to the officer's credit as belonging to the last year or years of the four considered, and may be made available for future leave.

1318. The leave year is reckoned from June 20 to the following June 19, both inclusive. In computing leave of absence expressed in days during any leave year, every day of such absence will be counted; leave expressed in months will be counted in months.

1319. When an officer on leave claims full pay for any part of his absence, the paymaster will ascertain the time for which he is entitled to the same from the monthly list of absentees issued from the Adjutant-General's Office; or, if that does not afford the information, from the officer's statement on his account of his absence on leave during each leave year.

1320. An officer ordered to temporary duty while on leave will be regarded as on duty from the day on which he receives the order. When the duty is to be performed at a future date, he will be on duty from the date on which he starts to obey the order. The date of the receipt of the order in

the first case, and the date of departure in the second, will be promptly reported to the Adjutant-General of the Army. When relieved from such duty, or on the completion thereof, he reverts to the status of leave and will be credited with the time on duty under such order.

TRAVEL ALLOWANCES.

1321. When an officer travels without troops under orders, he is entitled to the following allowances:

1. To mileage at the rate of 4 cents per mile for the distance between the points named in the order, such distance to be computed over the shortest usually traveled route.

2. To reimbursement of the cost of transportation actually paid by him over the route above specified, exclusive of sleeping and parlor car fares and charges for baggage and transfers. Officers will not be reimbursed for cost of transportation over free or bond aided roads, but transportation in kind over such will be furnished by the Quartermaster's Department.

1322. Travel allowances will be paid by the chief paymaster of the department in which the journey is completed.

1323. To entitle an officer to travel allowances the travel must be specifically ordered previous to its commencement, or covered by certificate that the urgency of the duty was such as to prevent his obtaining previous orders, and accompanied by evidence of approval by proper authority. Such order will state the special duty enjoined, recite that the travel therein directed is necessary for the public service, and direct the officer to return to his station upon completion of assigned duty, if such return is contemplated. An order for travel, part of which is to be made with troops, should direct the Quartermaster's Department to furnish transportation for so much of the journey as is to be performed with troops.

1324. Orders will not prescribe lines of travel, except when necessary, and then the reasons will be set forth in the order.

1325. The original order, or certified copy, including indorsements, will accompany each voucher for travel allowances.

1326. Mileage will be computed in accordance with the lists of distances compiled by the Paymaster-General, whatever the route traveled. Exception to this rule will be made only when the terms of the order, or the impracticability of the shortest usually traveled route. compel the officer to take another, or when the journey is performed by a route shorter than that usually traveled. In such cases travel allowances will be computed over the actually traveled route.

1327. When an officer on leave of absence is ordered to rejoin his station, he will not be entitled to travel allowances unless the public service requires the performance of duty en route, in which case the order will specify the duty, the necessity therefor, and the points at which the duty will begin and end.

1328. When an officer is ordered, while on leave of absence, to accompany a detachment of recruits to the vicinity in which his regiment is serving, and on the completion of this duty to join his company, he returns to a status of leave as soon as relieved from duty with the recruits, and will proceed to join his company without expense to the Government, unless the distance he may have to travel without troops should be in excess of what it would have been had he not received the order.

1329. An officer on leave of absence ordered to temporary duty involving travel without troops will receive travel allowances from place of receipt of order to place of performance of duty and return.

1330. When the station of an officer, serving either with or without troops, is changed while he is on leave of absence, he will, on joining his new station, be entitled to travel allowances from the place of receipt of the order to the new station, provided the journey is made without troops and the distance is not greater than that from the old to the new station; but if the distance be greater he will be entitled to travel allowances for a distance equal to that from the old to the new station only. Should it be necessary for such officer to return to his old station before proceeding to the new, authority for such return may be given by the officer who issued the order for the change of station. In such case the order for change of station will carry mileage only from the old to the new station.

1331. An officer under orders to change station, who takes advantage of a leave of absence before he joins his new station, is not deprived of the travel allowances to which he would be entitled had he not availed himself of the leave. The leave of absence merely suspends the execution of the order for change of station, and at the expiration of the leave the officer comes under the operation of the order, and in obeying it is entitled to full pay for the time necessary to perform the journey from his old to his new station.

1332. An officer relieved from duty at a station and granted leave of absence before assignment to another, who receives an order of assignment before expiration of leave, is entitled to travel allowances from the place where he receives the order to his new station.

1333. An officer traveling on duty in connection with public works (not arsenals, military surveys, or explorations) will receive travel allowances from the appropriation for the work, but if there be no appropriation he will receive travel allowances from the Pay Department.

1334. In the following cases no expense of travel is allowed: In joining for duty upon first appointment to the military service, or under the first order after a reinstatement or reappointment, or under an order to effect a transfer from one company or regiment to another, made at the request of the officers transferred. Assistant surgeons, graduates of the Military Academy, and officers appointed from the ranks, joining under first order after appointment or commission, are excepted from these provisions.

1335. Allowances for travel of officers summoned before committees of Congress are not proper charges upon the appropriations for the support of the Army.

COMMUTATION OF QUARTERS.

1336. An officer on duty without troops at a station where there are no public quarters, or where the public quarters are inadequate, is entitled to commutation therefor at established rates.

1337. An officer on duty at a station where he is properly in receipt of commutation of quarters is entitled to the allowance during ordinary leave on full pay, but not during sick leave. If he is relieved from duty at the station and then granted a leave his commutation ceases.

1338. An officer does not lose his right to quarters or commutation at his permanent station by a temporary absence on duty. While he continues to hold that right and exercises it by constructive occupation or use of any kind, he can not legally demand quarters nor commutation at any other station. Exceptions to this rule can be made only by the Secretary of War.

1339. When the command to which an officer belongs changes station during his temporary absence on duty he loses his right to quarters from the time his command leaves its old station and does not acquire a right at the new station until he has reported for duty thereat. He is entitled in the meantime to quarters or commutation therefor at the station where he is temporarily serving.

1340. An officer relieved from duty at one station, where he was entitled to commutation of quarters, and assigned to another, is not entitled to such allowance from the date of relief to the date on which he reports in person at the new station.

1341. Officers who, for the convenience of the Government, are directed to await orders for a limited period at a point where there are no public quarters, are entitled to commutation; but an officer ordered to his home to await orders is not entitled to this allowance. An officer ordered to report by letter to a superior does not become entitled to commutation of quarters until he receives a specific order of assignment and reports in person at the station to which assigned.

1342. The first voucher for commutation of quarters at any station must be accompanied by a copy of the order assigning the officer to duty thereat. In subsequent vouchers the paymaster will refer by number, etc., to the voucher with which the order is filed, and the final voucher must be accompanied by the authority for, and must show the date of relief from, such duty.

STOPPAGES.

1343. When an officer has been overpaid, or is indebted to the United States for money or property, or has failed properly to account for the same, the chief of the bureau concerned will promptly notify him of the amount of his indebtedness, or his failure to account. If after such notice he does not refund, or make satisfactory explanation, or take proper action within a reasonable time, the matter will be reported to the Secretary of War.

1344. On the order of the Secretary of War, stoppages may be made against the pay of officers for overpayments, illegal disbursement, or loss through fraud or neglect of the public funds, and for deficiencies in, loss of, or damage to, military supplies, unless proof be furnished that the deficiency, loss or damage was not occasioned by any fault on their part.

1345. The notice of stoppage of officers' pay will be prepared in the form of a monthly circular to paymasters, advising them of stoppages outstanding at its date. This circular will be submitted to the Secretary of War for his approval prior to its publication. When an officer's name is borne thereon, no payment of salary will be made to him which is not in accordance with the stoppage entry made against his name.

1346. Overpayments to an officer will be deducted on the first payment after a notice of stoppage against him is received, even if the pay accounts have been assigned.

PAYMENT OF CADETS.

1347. Payment on muster and pay rolls and final accounts will be made to the cadets at the Military Academy by a paymaster, who will turn over the net amount of the rolls and accounts to the Treasurer of the Academy.

PAYMENT OF ENLISTED MEN.

1348. Troops will be paid every month unless circumstances prevent, in which case the paymaster charged with the payment will immediately report the facts through his chief paymaster to the Paymaster-General.

1349. Payments will be made as soon after the close of each month as practicable:

1. By paymasters in person; or
2. By check or currency shipped by express.

The troops at posts where paymasters are stationed and others in their immediate vicinity, to be designated in instructions issued from the Adjutant-General's Office, will be paid by paymasters in person.

For posts at which payments are not required to be made in person, the paymaster will transmit the pay due in one or more of the following ways:

1. By individual check, payable to the order of each man for the exact amount due.
2. By inclosing in a separate sealed envelope the exact amount in currency due each soldier, with his name and the amount inclosed marked thereon.

1350. Duplicate muster and pay rolls will be duly signed by the men, and forwarded by the commanding officer by mail to the paymaster who has been designated by the department commander to pay the command.

1351. When forwarding the rolls the post commander will furnish the paymaster with the name, rank, etc., of the officer designated to see that the men of the command are paid, and at the same time will state what part of the pay can conveniently be received by the men in individual checks and cashed at or near the post without discount, designating the location of depository on which it is desired that the checks should be drawn. The remainder of the pay will be sent in envelopes.

1352. The paymaster will, as far as practicable, draw the checks on the depository designated, the checks and money for each organization will be inclosed in separate packages properly marked, and the whole will be consolidated into one package and forwarded by express to the post commander. One of each of the company or detachment rolls extended to show the amounts to be paid will be returned to the commanding officer and by him sent to the proper company commanders.

1353. At places beyond express delivery, the post commander, when notified by the paymaster that funds are to be expected, will send an officer with a suitable escort to receipt for the express package and convey the funds to the post. The name of the officer authorized to receipt for the package will previously have been reported to the paymaster.

1354. When the package is received at the post, it will be delivered to the officer who has been designated by the commanding officer to distribute the pay. As soon as possible the individual checks or the currency will be handed to the men by the officer designated, and when the payment is in

currency from envelopes, a second officer, who may be the company commander, will be required to verify the amounts in the envelopes, so that, in case of error, certificates may be prepared at once by both officers. Should there be a deficiency it will be so certified on the roll by the paying and the verifying officers, and should there be an excess the surplus will be returned to the paymaster. In each case a statement of the facts, with appropriate certificates, will be sent to the paymaster by the post commander.

1355. Should any error or informality be discovered in a check, it will be returned to the paymaster for correction; and the roll may be held, or returned with a note as to the nonpayment, at the discretion of the post commander.

1356. Should the bank or person who cashes the individual check so desire, the company commander will certify to the correctness of the indorsements made by his men upon their respective checks.

1357. Each company commander will witness the payment of the company and so certify on the roll, which he will then transmit to the paymaster. When the paymaster has received this witnessed roll he will send the duplicate to be witnessed and returned. Should it be impracticable, owing to his absence or incapacity, to secure the signature of the witnessing officer to the second roll, any commissioned officer may make upon it an official copy of the witnessing officer's certificate and signature as evidenced by the retained roll.

1358. Should a soldier die or desert in the interval between signing the roll and the actual payment, the check or the cash received for him will be treated as the effects of a deceased soldier or of a deserter. Should he be temporarily absent or in confinement, it will be retained by the company commander until return or release of the soldier.

1359. Should a soldier decline to receive his pay, or if, for any other reason than those mentioned it should be impracticable to deliver it to him, the money or check will be returned by express or registered mail to the paymaster, the man's signature on the roll canceled, and a note of explanation verified by the signature of the witnessing officer made upon the roll.

1360. Deposits may be made in the usual manner, the amount to be deposited being reported to the paymaster by letter forwarded with the rolls, the soldier's deposit book being also forwarded therewith. Should a man desire to deposit a sum greater than his pay, his company commander will see that a proper check, postal order, or express order accompanies his deposit book; if neither check nor order can be obtained, the company commander will send the money by registered mail at public expense, verifying the amount and reporting it in a separate communication to the paymaster. Deposit books will be returned by the paymaster to the company commander properly filled in for attestation.

1361. Troops in the field will be paid by currency in envelopes, unless the department commander directs personal payment by the paymaster.

1362. In time of war, troops in active campaign will be paid by paymasters in person; troops in garrison may be paid by the paymaster or by checks or currency in envelopes; troops in campaign by either of these methods, as the army or department commander may direct.

1363. Payments to enlisted men will be made on muster and pay rolls, with the following exceptions: Enlisted men retired, and men of the post

noncommissioned staff, or acting as such, and sergeants of the Signal Corps on duty where there are no other troops. These will be paid on their descriptive lists by the chief paymaster of the department, or a paymaster designated by him; if not under the orders of the department commander, they will be paid by a paymaster designated by the Paymaster-General. Payments to discharged soldiers will be made by any paymaster under the provisions of paragraphs 1382 to 1388.

1364. An officer in command of a company or detachment or in charge of a hospital will attend at the pay table, witness the payment of his men, and certify at the foot of the muster and pay roll that he witnessed the payment. All enlisted men present will receipt the pay roll for the amount due them thereon. When a soldier can not write, he will receipt by his mark, which will be witnessed by a commissioned officer.

RE-ENLISTMENT AND CONTINUOUS SERVICE PAY.

1365. Re-enlistment pay, under section 1282, Revised Statutes, and act of August 1, 1894, will be allowed to all enlisted men at the rate of pay provided for the fifth year of continuous service. One dollar per month of this pay, however, will be retained until the soldier's discharge from such re-enlistment, subject to forfeiture unless he serves honestly and faithfully to that date. This re-enlistment pay having been once earned by five years' continuous service, will be paid to the soldier during all subsequent service, whatever period of time may intervene between enlistment and prior discharge, subject to the same conditions in regard to retention and forfeiture.

1366. Continuous service pay at the rate of $2.00 per month will be paid to all enlisted men who have served continuously for a longer period than five years, and for each successive period of five years, so long as they shall remain continuously in the Army, an additional monthly allowance of $1.00. A re-enlistment after a period exceeding three months from date of discharge does not entitle the soldier to continuous service pay. One or more terms of service rendered prior to August 4, 1854, will be counted as five years' continuous service.

1367. The re-enlistment pay of an enlisted man not entitled to continuous service allowances, will be indicated on the muster and pay rolls as "entitled to re-enlisted pay." If entitled to both re-enlistment and continuous service pay, then as "$2.00 per month for five years' continuous service;" "$3.00 per month for ten years' continuous service;" "$4.00 per month for fifteen years' continuous service," etc.

FORFEITURES AND DEDUCTIONS.

1368. The paymaster will deduct from the pay of all soldiers, 12½ cents per month for the support of the Soldiers' Home, the same to be deducted bimonthly on the February, April, etc., rolls. At the time of payment he will also deduct the authorized stoppages entered on the muster rolls, descriptive lists, or final statements.

1369. Retained pay will be forfeited for the following causes:

1. Desertion.

2. When the soldier is in confinement under a general court-martial sentence expressly imposing imprisonment until or beyond the expiration of his term; when discharged under sentence of general court-martial; when discharged by order from the War Department specifying forfeiture, or because of imprisonment by the civil authority.

3. When the soldier is discharged for minority concealed at enlistment, or for other cause involving fraud in enlistment, or for disability caused by his misconduct.

4. Upon the approved finding of a board of officers called under paragraph 148, that the soldier has not served honestly and faithfully to the date of discharge.

The cause of forfeiture will be stated on the muster and pay rolls and on the final statements of the soldier.

CERTIFICATE OF MERIT.

1370. A certificate of merit granted to an enlisted man for distinguished service entitles him, from the date of such service, to additional pay at the rate of $2.00 per month while in the Army, although such service may not be continuous.

DEPOSITS.

1371. Any enlisted man, not retired, may deposit his savings with any paymaster in sums not less than $5.00, the same to remain so deposited until final payment on discharge. The paymaster will furnish the depositor with a book, in which each deposit, with name of depositor, date, place, and amount, in words and figures, will be entered in the form of a certificate, signed by the paymaster and company commander. The company commander will keep in the company record book an account of every deposit made by the soldier; and after each regular payment he, and all officers having charge of detachments of enlisted men at date of deposit, will transmit, direct to the Paymaster-General, a list of names of depositors, showing in each case the date, place, and amount of deposit, and name of paymaster receiving the same. These lists, before transmittal, will be examined and compared with the record of deposits on the company or detachment book and the deposit book of the soldier. Should a soldier who has made a deposit be transferred or desert, the fact will be promptly reported direct to the Paymaster-General by the officer in command of the company or detachment to which he belonged. In case of transfer, his descriptive list will be made to exhibit the date and amount of each deposit.

1372. On the discharge of a soldier, the date and amount, in words and figures, of each of his deposits will be entered upon his final statements, and his deposit book will be taken up by the paymaster who pays him, and filed with the voucher of payment. In case deposits are forfeited by desertion, the amounts of the same will be entered on the final statements under the head "Remarks," and the facts and authority for such forfeiture given.

1373. Before delivering final statements upon which deposits are credited, the officer signing them will ascertain whether the soldier has the deposit book; and, if so, instruct him to present it to the paymaster. Should he claim to have lost it, the officer will cause his affidavit to that effect to be taken and attached to the statements. The affidavit will clearly state the circumstances attending loss of the book, and show that the soldier has not sold or assigned it. Upon this evidence the paymaster may pay, and the responsibility for the correctness of amounts credited on the statements will rest with the officer certifying them.

1374. Paymasters will not pay deposits except on final statements. When they are not paid, the soldier should forward his deposit book or the evidence referred to in the preceding paragraph to the Paymaster-General. Enlisted men should be informed of the importance of preserving deposit books as the only certain means of insuring prompt repayment.

1375. A soldier must draw his deposit when he is discharged. He can then renew it after re-enlistment, and will be entitled to interest from date of such renewal. Failure to present the final statements for payment leaves the money without interest until drawn and again deposited.

1376. For any sum of not less than five dollars deposited for the period of six months or longer, the soldier, when discharged, will be paid interest at the rate of 4 per cent. per annum to date of discharge.

1377. On the death of a soldier, each deposit, with amount, date, place, and paymaster with whom deposited, will be noted in the inventory of his effects, and on the accompanying final statements with which his deposit book will be filed.

1378. Both deposits and interest will be forfeited by desertion, but are exempt from forfeiture by sentence of court-martial and from liability for the soldier's debts.

1379. The retained pay of enlisted men will be treated as deposits, to the extent that it draws interest from the end of the year of the enlistment in which retained. It is subject to forfeiture for any of the causes set forth in paragraph 1369, and is carried to the credit of the soldier on his final statements, subject to deduction for debts due the United States at the date of discharge.

PAY OF DESERTERS.

(See Art. XIX.)

1380. An enlisted man charged with desertion will not receive pay until his offense has been investigated by a court-martial or he has been restored to duty without trial.

1381. Every deserter forfeits all pay and allowances due at the date of desertion. Stoppages and forfeitures then due will be deducted from his arrears of pay, and, if not so satisfied, from pay due after apprehension. The company commander will note upon the first muster roll after apprehension all data necessary to a complete settlement of the soldier's account from the date of last payment, and will carry the account to subsequent rolls until the settlement is made. No settlement of the pay account of any enlisted man will be made on the rolls until sufficient pay shall have accrued to satisfy all dues to the United States and pay a balance to the soldier. The required data will include date of last payment, desertion, and apprehension, credits at date of desertion on account of clothing, unsatisfied forfeitures under prior sentences, and dues to the United States at date of desertion on account of clothing, subsistence, ordnance, etc. If, while absent in desertion, he illegally enlisted in another organization, the date of last payment in such enlistment and all stoppage due the United States at date of surrender or apprehension will be stated.

PAYMENT OF DISCHARGED SOLDIERS.

(See Art. XXI.)

1382. Discharged soldiers will be paid on final statements prepared in duplicate and furnished to them by their company or detachment commanders. Payment will be made only on presentation of both copies. Except when notified as prescribed in paragraph 150, paymasters will not pay discharged soldiers unless otherwise satisfied of the genuineness of the discharge papers and the identity of the claimants.

1383. Upon payment of the final statements of a discharged soldier, the paymaster will write on the discharge "Paid in full," with his signature, noting amounts paid, except when the final statements have been transferred and are not accompanied by the discharge. The day of enlistment and the day of discharge will both be included in reckoning pay.

1384. Paymasters, or other officers to whom a discharged soldier reports the loss or non-receipt by him of final statements to which he is entitled, will report the fact to the Paymaster-General, with any evidence the soldier furnishes them in the matter. The Paymaster-General will transmit the evidence to the Auditor for the War Department.

1385. Traveling allowances to discharged soldiers are computed by taking the distance in miles by the shortest usually traveled route from place of discharge to that of enlistment, and allowing one day's pay, and subsistence at the rate of 30 cents, for every 20 miles of travel. If in the computation there remains a fraction of 10 miles or more, it will be reckoned as a full day; if less, it will not be considered. If transportation has been furnished for any part of the distance, that part will be excluded from the computation of travel pay, but subsistence for the full distance will be allowed.

1386. An enlisted man discharged for minority concealed at enlistment, or for other cause involving fraud on his part in the enlistment, is not entitled to pay and allowances, including those for travel, and will not receive final statements unless deposits or detained pay are due him, in which case final statements, containing only a list of his deposits or the amount of detained pay will be furnished.

1387. Recruits are entitled to pay and allowances when discharged on certificates of disability. When discharged for any cause involving fraud on their part at enlistment, paragraph 1386 will govern.

1388. The transfer by an enlisted man of a claim for pay due on his final statements will be recognized only when made after discharge, in writing, indorsed on the final statements, signed by the soldier, and witnessed by a commissioned officer or by some other reputable person known to the paymaster. The person witnessing the transfer must indorse on the discharge the fact of transfer of the final statements, and on the final statements the fact that such indorsement has been made on the discharge.

MISCELLANEOUS.

1389. When a paymaster has made an incorrect payment to an enlisted man, he will report the fact to the commander of the company in which the man is mustered, who will note the same on the next muster and pay roll, that it may be corrected.

1390. Authorized stoppages will be entered on the rolls and paid in the following order:

1. Reimbursements to the United States for the loss or damage to arms, equipments or other public property, the nature of which will be clearly stated, extra issues of clothing, transportation, subsistence, expense of apprehending deserters.
2. Amounts paid post exchange and laundrymen at recruit rendezvous.
3. Reimbursements to individuals (as the paymaster, for instance).
4. Forfeitures for desertion, and fines by sentence of court-martial.

1391. Officers of the Pay Department will not give receipts except in the following cases:

1. For transfers of money.
2. For money of deceased soldiers or of deserters.
3. For stoppages authorized by the Secretary of War, for which the Paymaster-General may direct receipts to be given.
4. For refundments made by officers on account of overpayments made by paymasters.

In all other cases, the party turning over or refunding money should place it in some authorized public depository, or transfer it to a disbursing officer of the department to which the money belongs.

ARTICLE LXXXI.

MEDICAL DEPARTMENT.

NOTE.—Regulations for the government of the Medical Department, prepared and published under the authority of the Secretary of War, are distributed to its officers by the Surgeon-General. Only such regulations are herein given as are general in their nature or affect other branches of the service.

GENERAL PROVISIONS.

1392. The Medical Department, under the direction of the Secretary of War, is charged with the duty of investigating the sanitary condition of the Army and making recommendations in reference thereto, with the duty of caring for the sick and wounded, making physical examinations of officers and enlisted men, and furnishing all medical and hospital supplies, except for public animals.

1393. The surgeon, under the direction of the commanding officer, will supervise the hygiene of the post or command, and recommend such measures as he may deem necessary to prevent or diminish disease. He will examine, at least once a month, and note in the medical history of the post the sanitary condition of all public buildings, the drainage, the sewerage, amount and quality of the water supply, the clothing and habits of the men, and character and cooking of the food, and immediately after such examination will report thereon in writing to the commanding officer, with such recommendations as he may deem proper. The commanding officer will return the report, with his views and action indorsed thereon, and if he deem the action recommended impracticable or undesirable, will state fully his objections. The indorsement will be recorded in the medical history of the post, and the report and indorsement will be forwarded by the surgeon, through military channels, to the Surgeon-General.

APPOINTMENTS.

1394. No person will be appointed an assistant surgeon unless he has been examined and approved by a board consisting of not less than three medical officers designated by the Secretary of War; and no person will be appointed a surgeon unless he has served five years as an assistant surgeon in the Army, and has been examined and approved by a board consisting of not less than three surgeons, designated as aforesaid.

1395. No allowance will be made for the expenses of persons undergoing examination, but those who receive appointments will be entitled to travel allowances in obeying the first order assigning them to duty.

THE HOSPITAL CORPS.

1396. All hospital services in garrison and in the field will be performed by members of the Hospital Corps, who will be enlisted for, and permanently attached to, the Medical Department. In time of war, the corps will perform the necessary ambulance service under such officers of the Medical Department and assistants as may be detailed for that duty.

1397. No person will be appointed a hospital steward until he has served a year as acting hospital steward; nor will a steward be appointed nor an acting steward be detailed until he has passed a satisfactory examination, under the direction of the Surgeon-General. Privates who have served one year in the Hospital Corps, and graduates in pharmacy who have served six months and have shown particular fitness, may be recommended to the Surgeon-General for promotion by the senior medical officer of the command. From those thus recommended acting stewards will be detailed, after passing the required examination. These examinations will be conducted by a board composed of the medical officers of the station at which the applicant may be serving, and if no medical officer is there on duty, the candidate will be sent for examination to the nearest station provided with such an officer. The report of the board will be forwarded direct to the Surgeon-General.

1398. A hospital steward may be re-enlisted at the expiration of his term of service on the authority of the Surgeon-General, provided he has passed successfully the prescribed examination. If he desire to re-enlist he will report the fact, in writing, through military channels, to the Surgeon-General, sixty days before the expiration of his term of service.

1399. Enlistments and re-enlistments for the Hospital Corps will be made, as a rule, by medical officers. Recruiting officers stationed where there is no medical examiner may make such enlistments or re-enlistments upon the authority of the Surgeon-General. In such cases the recruiting officer in making the physical examination will be guided by instructions from the Surgeon-General. Applicants may be accepted who are subject to refractive errors of vision, provided these errors are not excessive, may be entirely corrected by glasses, and are not progressive or accompanied by ocular disease. Every private thus enlisted from civil life will be sent to the nearest military post for medical examination. Should the recruit pass this examination satisfactorily he will be forwarded to a company of instruction at such post as may be designated by the War Department; transportation required will be obtained from a quartermaster.

1400. Enlistment papers will be executed in duplicate. In the cases of privates enlisted from civil life at a station where there is no medical examiner and sent to the nearest post for medical examination, the enlistment papers, with the form for physical examination, will be sent to the surgeon of the post, by whom they will be forwarded direct to the Surgeon-General. The enlistment papers of all other members of the corps will be forwarded, with the form for physical examination, direct to the Surgeon-General, who will render to the Adjutant-General of the Army a monthly recruiting return accompanied by one of each set of enlistment papers.

1401. A hospital steward, stationed at a place where no post return is made, will make such personal reports as the Surgeon-General may direct.

1402. Hospital stewards, though liable to discharge, will not be reduced. The detail of an acting steward may be revoked by the post commander upon the recommendation of the surgeon or by sentence of a court-martial.

1403. Enlisted men who have served one year in the line may be transferred to the Hospital Corps as privates. Musicians are not eligible. Selection will be made upon the application of the post surgeon, approved by the post commander, stating age of the soldier, and if over 40 years his special qualifications, character, physical condition, and habits, whether for existing or prospective vacancy, and the date of expiration of current enlistment.

1404. Married men will not be enlisted as privates in or transferred to the corps, and no acting steward who is married shall be re-enlisted without special authority.

1405. Members of the corps will not be required to perform any military duties other than those pertaining to their corps. They will be instructed in such drills, both foot and mounted, as are necessary for their efficiency. They will not be required to attend ceremonies, except when directed by the commanding officer, and will be inspected and mustered at the hospital. The forms of inspection will be in accordance with the prescribed manual.

1406. To meet the requirements of epidemics or other emergencies and to fill vacancies, members of the Hospital Corps may be transferred by the department commander, the quota of each post, as prescribed by paragraphs 1409 and 1410, not being permanently exceeded. Such transfers will be reported to the Surgeon-General.

1407. Accounts of pay and clothing of members of the corps will be kept by the surgeons under whose immediate direction they are serving.

1408. The surgeon of each post will, on the last day of every month, make a return of the Hospital Corps and means of transportation on the prescribed form in duplicate, sending one copy to the Surgeon-General direct and the other to the chief surgeon of the department.

1409. At every post there will be one hospital steward, two if the garrison equals six companies, and an additional one for every additional six companies. At every post of two companies there will also be an acting steward, if practicable.

1410. There will be three privates of the Hospital Corps at every military post, four if the garrison consists of two companies, and an additional private for each additional two companies. They will be assigned to the respective duties connected with the hospital service by the surgeon of the post.

1411. The number of stewards and privates of the Hospital Corps to be stationed at arsenals, engineer stations, and independent posts will be determined by the Secretary of War.

COMPANY BEARERS.

1412. There will be in each company four privates designated for instruction as litter bearers. They will be selected by company commanders, with the concurrence of the surgeon. They should be of good character and sufficient intelligence to make them eligible for transfer to the corps, and will be known as "company bearers."

1413. Company bearers, together with all available men of the Hospital Corps, will be instructed under the supervision of the surgeon of the post for at least four hours in each month, and at such times as the post commander may appoint, in the duties of litter bearers and the methods of rendering first aid to the sick and wounded. This special instruction will not relieve them from the performance of their regular military duties. They should be instructed primarily, and by object lessons as far as practicable, in first aid. During an engagement or in an emergency the company bearers may be directed by their immediate commanding officers to fall out and give first aid to the wounded, or carry them to the rear until relieved by members of the Hospital Corps, and when so relieved they will immediately join their companies. Company bearers on drill as such and in campaigns will wear a red brassard around the left arm.

AMBULANCES AND LITTERS.

1414. One regulation ambulance with proper harness will be issued to each post. To posts of more than 200 men, the number to be issued will be one additional ambulance for each additional 200 men or major fraction thereof.

1415. The ambulance will not be used except for transportation of the sick and wounded, the recreation of convalescent patients, or to give instruction in the duties of the ambulance service. They will be furnished and repaired by the Quartermaster's Department, will always be subject to the call of the surgeon, and, when practicable, will be housed near the hospital.

1416. At each post one of the privates of the corps will be designated by the surgeon as ambulance driver. In addition to his other duties, he will care for the ambulance, its equipment and harness, and see that they are always in readiness for immediate use. In the field he will care for the animals. When it is necessary to use the ambulance for any transportation purposes, the commanding officer, on the application of the surgeon, will see that the requisite animals are provided by the quartermaster and placed at the disposal of the surgeon.

1417. At posts each company will be furnished with one hand litter, which will be kept ready at all times for use by the company bearers. They will be supplied and repaired by the Quartermaster's Department.

1418. Travois and mule litters may be issued upon the recommendation of the chief surgeon.

1419. Commanding officers will inspect ambulances, litters, and other appliances for transporting the wounded at each monthly inspection, and see that they are completely equipped. When practicable, the ambulance fully equipped for service will be presented for inspection, with the animals attached.

FIELD SERVICE.

1420. In field service, troops will be accompanied by such number of men of the Hospital Corps as may be determined by the post commander, on the recommendation of the surgeon.

1421. On the march or in battle each medical officer will habitually be attended by a mounted private of the Hospital Corps. Hospital stewards, acting stewards, and at least one private of the corps in each separate command will be mounted when serving in the field, and all privates of the corps will be mounted when serving with mounted commands. Horses will be furnished by the Quartermaster's Department for members of the corps on duty in the field, when practicable. When no horses are available special application for authority to hire must be made.

1422. Ambulances will be used for the transportation of the sick and wounded, the instruction of the Hospital Corps and company bearers, and, in urgent cases, for the transportation of medical supplies, and all persons are prohibited from using them, or requiring or permitting them to be used, for any other purpose. It shall be the duty of the officers of the ambulance service to report to the commander of the troops any violation of the provisions of this paragraph.

1423. No person, except the proper medical officers or the officers, noncommissioned officers, and privates of the ambulance service, or such persons as may be specially assigned by competent military authority to duty therewith, will be permitted to take or accompany sick or wounded men to the rear, either on the march or upon the field of battle.

HOSPITAL BUILDINGS.

1424. A building will not be erected for nor occupied as a hospital until the opinion of a medical officer has been obtained in writing upon the suitableness of site and proposed arrangement. If the commanding officer dissent from this opinion he will return it to the surgeon of the post with his reasons indorsed thereon.

1425. Hospitals will be erected at permanent posts in accordance with plans and specifications furnished by the Surgeon-General, approved by the Secretary of War.

1426. When alterations of or additions to hospitals are necessary, the surgeon of the post, after obtaining from the quartermaster an estimate of cost, will transmit plans and specifications, with proposed modifications, through military channels to the Secretary of War. Similar action will be taken upon quarters for hospital stewards.

1427. When hospitals or hospital stewards' quarters are erected or repaired, the officer conducting the work will consult the surgeon of the post, who will inspect the work during its progress, and when a building is ready for occupancy the surgeon will report as to its merits to the Surgeon-General through the regular channel, and furnish a copy of the report to the constructing officer.

1428. The surgeon, after obtaining from the quartermaster necessary data as to the amount of labor, quantity of material, and cost, will forward as soon as practicable after March 1 of each year, through military channels, to the Secretary of War, an estimate of repairs, alterations, or addi-

tions needed on hospital and hospital stewards' quarters during the next fiscal year, with plans of the same, stating the condition of the buildings and necessity for repairs. The surgeon of the post will prepare and sign estimates for hospital construction and repairs, one copy of which is required by the Surgeon-General. The number required at department headquarters is fixed by the department commander. When work is completed, the medical officer will report to the Surgeon-General whether it was performed according to the estimate, and the material and balance of allotment remaining. Approved plans or estimates for construction or repair will be altered only by authority of the Secretary of War.

1429. The Surgeon-General will furnish to the Quartermaster-General, in sufficient time for his annual estimates, a statement showing the hospital repairs which will be needed during the ensuing year, with estimated cost of the same.

1430. No portion of any hospital building will be used or occupied as quarters, nor will any mess be permitted or maintained therein except such as may be necessary for patients and enlisted men there on duty.

SICK CALL.

1431. At sick call the enlisted men of each company who require medical attention will be conducted to the hospital by a noncommissioned officer, who will give to the attending surgeon the Company Sick Report Book containing the names of the sick. The surgeon, after examination, will indicate in the book, opposite their names, the men who are to be admitted to hospital and those to be returned to quarters, what duties the latter can perform, with any other information in regard to the sick which he may have to communicate to the company commander.

1432. Medical officers will furnish company commanders any information, except the diagnosis, which will assist them in determining, for entry on the muster rolls, whether or not the disability of a soldier who is or has been on sick report originated in the line of duty, entering this information in the Company Sick Report Book. When required they will furnish the diagnosis to the commanding officer.

GENERAL HOSPITALS.

1433. General hospitals will be under the exclusive control of the Surgeon-General and will be governed by such regulations as the Secretary of War may prescribe. The surgeon in charge will command the same and will not be subject to the orders of local commanders other than those of territorial departments.

1434. Hospital transports, boats, and railway trains, after being properly assigned as such, will be exclusively under the control of the Medical Department, and will not be diverted from their special purposes by orders of local or department commanders or officers of other staff corps.

SERVICE OF HOSPITALS.

1435. The senior surgeon is charged with the management and is responsible for the condition of the post hospital, which will be at all times subject to inspection by the commanding officer. The surgeon of the post will inspect the hospital every morning, and on Saturday will also inspect the detachment of the Hospital Corps.

1436. The surgeon of the post will assign his assistants and the members of the Hospital Corps to duty, and report them on the muster rolls in the capacity in which they are serving. With the approval of the commanding officer he will also appoint the matrons.

1437. Hospital matrons will be allowed as follows: At general hospitals, one matron to twenty patients or major fraction thereof; at hospitals at posts and arsenals, a number fixed by the Surgeon-General.

1438. Patients will, if possible, leave their arms and accoutrements with their companies. In no event shall ammunition be taken into the hospital.

1439. When a soldier in hospital is detached from his company, his company commander will send to the hospital his descriptive list. The surgeon in charge will enter thereon all payments, stoppages, and the money value of all clothing issued, and when the soldier leaves the hospital will return the list to the company commander. If the soldier is discharged from the service while in hospital, the surgeon will furnish him with final statements and notify the Adjutant-General of the Army and the company commander of the date, place, and cause of discharge. If the soldier die in hospital the surgeon will take charge of his effects and make the reports required in paragraph 158.

1440. Sick or wounded soldiers, discharged while in hospital, will be entitled to medical treatment in hospital, and to the usual ration during disability, or for the period considered proper for them to remain under treatment, but a discharged soldier who has left the hospital will not be readmitted except upon the written order of the commanding officer.

1441. Tents, clothing, hospital furniture, and other stores used in the treatment of contagious diseases, will be disinfected or burned under the supervision of a medical officer.

1442. The Secretary of War may, on the recommendation of the Surgeon-General, order gratuitous issues of clothing to soldiers who have had contagious diseases, and to hospital attendants who have nursed them, to replace articles destroyed by order of the proper medical officer to prevent contagion.

1443. Medical officers in charge of hospital property will not permit it to be used for other than hospital purposes.

1444. Civilian employees at military posts may purchase the medical supplies prescribed for them by a medical officer, at cost price with 10 per cent. added. Medical officers who dispense medical supplies to civilian employees will render direct to the Surgeon-General, on the first day of every month, detailed accounts in duplicate, giving the name of each employee, the kind and quantity of medical supplies furnished him, and by whom prescribed, during the preceding month, leaving a space between items for the insertion of the price, which will be fixed at the Surgeon-General's Office. One copy will be returned to the officer furnishing the supplies, and the amounts inserted will be collected by the officer accountable for them, and be disposed of in the same manner as proceeds of other sales of medical property. At isolated posts where issues to civilians become necessary to save life or prevent extreme suffering, medical officers will make such issues, and at the end of each month report the circumstances to the Surgeon-General. Original prescriptions will be retained as a part of the hospital records, and will be subject to examination at all times by inspectors and post commanders.

1445. A civilian employee on duty at a station where other than Army medical attendance can not be procured, is entitled, when necessary, to admission to hospital.

1446. Civilians not in public service will be admitted to hospital only in cases of extreme necessity, and by permission of the commanding officer on written application of the surgeon. Rations will not be issued to them by the commissary, but their food will be purchased from the hospital fund, and the surgeon may remit all charges in cases of destitution.

1447. Hospital charges will be as follows: For subsistence of a retired enlisted man, 25 cents per day; for nursing, medicines, and subsistence of a civilian employee, 50 cents per day; for officers of the Army, seamen and river boatmen (admitted only on permit issued by a medical officer of the Marine-Hospital Service or a customs officer), and civilians admitted as provided in the preceding paragraph, $1 per day. The money received will be accounted for with the hospital fund.

1448. The surgeon of the post will keep, account for, and expend the hospital fund according to the instructions of the Surgeon-General, exclusively for the benefit of the sick in hospital and the enlisted men of the Hospital Corps serving therein.

1449. Medical and official publications furnished from the Surgeon-General's Office to surgeons in charge of hospitals will be properly filed and preserved in the hospital library. The expense of binding these publications and those issued to chief surgeons will be defrayed by the Medical Department, and they will be transported to and from the medical supply depots by the Quartermaster's Department.

MEDICAL ATTENDANCE.

1450. Medical officers on duty will attend officers and enlisted men, and, when practicable, their families; and at stations, or in the field, where other medical attendance can not be procured, civilian employees. Medicines will be dispensed to all persons entitled to medical attendance, and hospital stores to enlisted men and hospital matrons, also to officers at posts or stations where they can not be procured by purchase.

1451. Medical officers at their stations will furnish medical attendance to officers and enlisted men on the retired list, but they will not be required to leave their stations for that purpose. Medicines, dressings, etc., will be supplied to retired officers and enlisted men from army dispensaries on medical officers' prescriptions.

1452. When medical attendance is required by an officer or enlisted man on duty, and the attendance of a medical officer can not be had, the officer, or if there be no officer present, then the enlisted man, may employ a civilian physician, and a just account for his services and the necessary medicines will be paid by the Medical Department. The accounts for each fiscal year will be rendered separately, and, if for continuous service, forwarded monthly. Accounts for temporary service will be forwarded promptly upon termination thereof.

1453. Accounts for medical attendance will set forth the full name and address of the physician, the full name, rank, company, and regiment or

corps of patient, date of and charge for each visit, charge for medicines, and particular disease or injury treated. The physician will certify that the account is correct and just, and that the charges do not exceed the customary charges in the vicinity. The officer will certify, or the enlisted man make oath, to the correctness of the account, stating that he was on duty at the time and place specified, and why it was impossible to secure the services of an Army surgeon. When medicines are furnished by a druggist and charged for by the physician, the original prescription must be furnished, and the receipt of the druggist to the physician will accompany the account.

1454. Accounts for medicines will be accompanied by the original prescriptions, and must be for medicines properly so called only. When such an account is presented for payment the druggist will furnish the following certificate: "I certify that the above account is a just and correct statement of medicines furnished by me at ———, to officers and enlisted men of the United States Army, on the prescriptions herewith submitted; that said medicines were actually furnished on said prescriptions to said officers and enlisted men, respectively, at the dates set forth in said account, and that the prices charged are not in excess of those prevailing at said place."

1455. The officer under whose authority the prescriptions are filled will certify the account as follows: "I certify that the foregoing account is correct; that the officers and enlisted men therein mentioned were actually on duty at ——— when the medicine was furnished for them as stated therein, and that such medicines could not then have been procured at an Army dispensary in or near said place." The account must set forth the full name of each officer and enlisted man, his rank, the command to which he belongs, and the number, date, and price of each prescription. If there was an Army dispensary in or near the place, but the medicines were procured elsewhere because it was closed when they were required, or if they could not be there procured for some other sufficient reason, a statement of the facts supposed to justify the purchase will be added at the end of the officer's certificate.

1456. When the charge for attendance is against an officer, he will pay the account, if practicable, and transmit it, properly receipted, to the Surgeon-General for reimbursement; if the officer has paid it, the fact must be plainly stated in both his and the physician's certificates. If against a deceased officer or enlisted man, the physician will certify as required in paragraph 1453, and that he has not received the sum expressed nor any portion thereof. Accounts for consultation, for medical attendance and medicines for officers and enlisted men not on duty, and for families and servants of officers and enlisted men will not be paid. Treatment of chronic complaints by a specialist will not be paid for, unless authority to employ such specialist has been obtained from the Surgeon-General. Accounts for hospital stores and necessary surgical appliances will be paid only for enlisted men. Accounts for mineral waters or proprietary medicines will not be paid.

1457. Accounts for board, lodging, nursing and medical attendance of sick soldiers in private hospitals will be sent to the Surgeon-General for settlement, the Medical Department to be reimbursed by the Subsistence Department for that part paid for board.

1458. The charge of a civilian physician for examination of a re-enlisted soldier or an accepted recruit will be included in his account for medical attendance at a rate not exceeding $1 for each. In preparing accounts for medical examination of or medical attendance and medicines furnished to recruits assigned or unassigned, the date of enlistment will be stated in each case. The sick at recruiting stations, excepting those with trivial disabilities, or severe injuries which render their removal impracticable, will be sent by the recruiting officer for treatment to the nearest military hospital. Accounts pertaining to officers and enlisted men on duty with recruiting parties will be forwarded to the Surgeon-General through the Adjutant-General of the Army.

1459. The following rates of charges for ordinary medical attendance by civilian physicians will not be exceeded, and if the local charge per visit is less, the account will be rendered at the local rates: For attending sick call, five men or less, $2.50; for each man attending at sick call in excess of five, 50 cents; for additional visit or sick call on same day, when necessary, $2.00. In making arrangements with physicians for medical attendance upon garrisoned posts or large detachments it should be understood that, while the rates above specified are not to be exceeded (unless in exceptional cases), it does not follow that this schedule of rates is necessarily to govern in cases where there is a large sick report. Where the service is for several days or for an extended period, the rate of payment for such service should not exceed $125 per month. Accounts of physicians not under contract for service at military posts will be forwarded in duplicate to the chief surgeon. Accounts for service at independent posts and stations will be forwarded direct to the Surgeon-General.

MEDICAL SUPPLIES.

1460. Purchase of medical supplies will be made in pursuance of law, under the direction of the Surgeon-General.

1461. Weights and measures given in the supply table will be in accordance with the metric system, and all prescriptions, invoices, receipts, issues, and returns of medical supplies will be made in conformity therewith. Articles not on the supply table will be issued only by special authority of the Surgeon-General.

1462. The routine issue of disinfectants is prohibited.

1463. Damaged or unserviceable medicines, medical books, surgical or scientific instruments and appliances, pertaining to the Medical Department, will not be presented to an inspector for condemnation until authority for so doing has been obtained from the Surgeon-General.

REPORTS AND RETURNS.

1464. Each chief surgeon will make to the Surgeon-General on the last day of every month a return of medical officers and physicians under contract.

1465 When authorized by the Secretary of War, chief surgeons will visit such posts within their departments as may be designated, and will investigate and report to the Surgeon-General concerning the sanitary condition of the posts, their medical and hospital supplies, and the discipline and efficiency of their medical service.

1466. Within two days after every action, the surgeon on duty with a regiment or detachment participating will forward through military channels to the chief surgeon a list of wounded in duplicate. The chief surgeon will immediately forward one copy to the Surgeon-General and retain the other to accompany his report to the commanding general.

ARTIFICIAL LIMBS.

1467. Every officer, enlisted man, or employee of the military forces of the United States who, in the line of duty or through disease contracted in service, shall have lost a limb or the use of a limb will receive once every three years an artificial limb or appliance, or commutation therefor if he shall so elect, under such regulations as the Surgeon-General of the Army shall prescribe. The money value allowed as commutation is, for a leg, $75; for an arm, foot, and apparatus for resection, $50.

1468. Necessary transportation, including sleeping car accommodations, required for travel to place where artificial limbs may be fitted, will be furnished by the Quartermaster's Department, the cost to be refunded from any money appropriated for the purchase of artificial limbs.

1469. An officer who pays an account for transportation of persons to enable them to procure artificial limbs will, as soon as payment is made, forward the original account to the Quartermaster-General, with a letter of transmittal, in which he will state that the account is forwarded under the provisions of this paragraph that it may be referred to the Surgeon-General for repayment to the Quartemaster's Department. The paying officer will take credit for the amount paid on his accounts for the month, and will note thereon the fact that the account was forwarded to the Quartermaster-General, on a specified date, for the purpose aforesaid.

1470. The Quartermaster-General, if he finds the account correct, will forward it to the Surgeon-General with request that the amount be paid to the depot quartermaster, Washington, D. C., and the Surgeon-General will cause the amount to be paid from the appropriation for artificial limbs. The depot quartermaster will deposit the money in the Treasury to the credit of the appropriation for Army transportation, and in his account current will state from whom the money was received, and that it was a refundment to the Quartermaster's Department from the appropriation for artificial limbs, of a sum paid by ——— ———, quartermaster, U. S. A., on voucher No. ——, for ———, 18—, for the transportation of a person en route to procure an artificial limb. He will also immediately notify the Auditor for the Interior Department of the receipt of the money (stating amount, and from whom and when received, and for what purpose), and where he has deposited the same, and that he will account for it in his account current for the month of ———, ——.

1471. On referring an account to the Surgeon-General for refundment, the Quartermaster-General will notify the depot quartermaster of his action, giving the name of the quartermaster who made the payment, date and number of the voucher on which payment was made, and amount paid. He will state that the payment was for the transportation of a person en route to procure an artificial limb.

ARTICLE LXXXII.

CORPS OF ENGINEERS.

NOTE.—Regulations for the government of the Corps of Engineers, prepared and published under the authority of the Secretary of War, are distributed to its officers by the Chief of Engineers. Only such regulations are herein given as are general in their nature or affect other branches of the service.

1472. The duties of the Corps of Engineers comprise reconnoitering and surveying for military purposes; selection of sites and formation of plans and estimates for military defenses: construction and repair of fortifications and their accessories; planning and superintending of defensive or offensive works of troops in the field; examination of routes of communications for supplies, and for military movements and construction of military roads and bridges: execution of river and harbor improvements assigned to it, and such other duties as the President may order. It collects, arranges, and preserves all correspondence, reports, memoirs, estimates, plans, drawings, deeds, and titles relating to the Washington Aqueduct and public buildings and grounds in the District of Columbia, and models which concern or relate in any wise to the several duties above enumerated.

1473. The Chief of Engineers will have his headquarters at Washington, D. C., and will be charged, under the direction of the Secretary of War, with the command of the Corps of Engineers and the management of the Engineer Department as well as the regulation of the duties of all officers, agents, and others who may be employed under his direction.

1474. When officers or troops of the Corps of Engineers are detached from the command of the Chief of Engineers, they will continue to conform to the regulations of the Engineer Department in regard to the keeping of records and rendering of reports and accounts.

1475. Engineer officers and troops on special service under the immediate orders of the Chief of Engineers will not be diverted from such service, except in cases of marked public exigencies, and, when so diverted, the officer of the corps will immediately report the same to the Chief of Engineers, transmitting a copy of the orders he may have received. The officer issuing the order will transmit a copy direct to the War Department. Upon the termination of the exigency, such officers or troops will be returned to such special service, unless otherwise directed by the Chief of Engineers.

1476. Every organization or detachment of engineer troops will be entitled to the same provisions, allowances, and benefits, in every respect, as are allowed by law or regulations to other troops of the military establishment.

1477. The commander of the engineers serving with an army in the field will be attached to general headquarters.

1478. The senior officer of the Corps of Engineers serving with an army corps, a division, a brigade, or smaller body, will communicate to the commander thereof any orders he may receive from any superior in his own corps.

1479. An engineer directed to superintend any works to be constructed by troops will point out what is to be done, and will maintain such a supervision as will enable him to see that it is done correctly. It will be the duty of the officer having charge of the detachment to execute the work accordingly. The detail of troops for works to be carried on under the superintendence of engineers will be furnished on the requisition of the senior engineer, addressed to the officer in command of the troops. The requisition

will specify the number of men required, the time and place at which they will assemble to commence work, and the name and rank of the engineer officer to whom they will report. The requisition may be for part of a day or night, for a whole day or night, for a week or a longer period, according to circumstances; the duration of the service always being specified.

1480. When on duty with armies in the field, engineers engaged in surveys and reconnaissances will report their operations, also the execution of all other duties, to their immediate chief at headquarters of the army, who will report directly to the commander thereof.

1481. The senior engineer serving with the army in the field will, subject to the approval of his commander, report monthly to the Chief of Engineers the operations of the engineer force under his direction sufficiently in detail to show the nature and extent of the operations and the respective portions executed by the several engineer officers engaged therein.

1482. The senior engineer will also cause to be made exact plans of all military works executed under his direction, and in case of attack or defense will cause exact journals to be kept, showing, by drawings and descriptions, every particular of each day's events. These plans and descriptions, with maps of all surveys and reconnaissances and explanatory reports or memoirs, will be carefully preserved and transmitted at suitable opportunities to the Chief of Engineers.

1483. When an engineer is sent to any military department, fortress, garrison, or post, a duplicate of his orders will be sent to the commanding officer. On his arrival the engineer will communicate his orders, and necessary facilities for executing them will be afforded by the commanding officer. While so on duty, without being especially put under the direction of the commanding officer, the engineer officer will be furnished with copies of all orders and regulations of the command relative to etiquette and police, and with the countersign when quartered within a chain of sentinels. The engineer officer will report to the commanding officer when relieved from duty within the limits of the command.

1484. Engineer officers engaged in the construction of fortifications or other public works are entitled to allowances of quarters, mess rooms, and kitchens, with fuel for the same, as are provided by regulations for officers at garrisoned posts.

1485. No alterations will be made in any fortification or in its casemates, quarters, barracks, magazines, storehouses, or any other building belonging to it, nor will any building of any kind or work of earth, masonry, or timber be erected within the fortification or within a mile of its exterior, except under the direction of the Chief of Engineers and by authority of the Secretary of War.

1486. When the Chief of Engineers is satisfied that any fortification is in all respects complete so far as the functions of his department are concerned, he will give notice thereof to the Secretary of War, that it may be turned over for occupation by the troops. Until its completion has been announced, no work will be occupied by troops except by the special order of the Secretary of War.

1487. Officers of the Corps of Engineers, or those on engineer duty, traveling on service connected with fortifications or works of public improvement, will be paid their travel allowances from the special appropriation for the work. When traveling on any other duty, the mileage will be paid by that branch of the service intrusted with such payments for the Army.

ARTICLE LXXXIII.

ORDNANCE DEPARTMENT.

NOTE.—Regulations for the government of the Ordnance Department, prepared and published under authority of the Secretary of War, are distributed to its officers by the Chief of Ordnance. Only such regulations are herein given as are general in their nature or affect other branches of the service.

GENERAL PROVISIONS.

1488. The Chief of Ordnance, under the direction of the Secretary of War, is charged with the duty of procuring, by purchase or manufacture, and distributing the necessary ordnance and ordnance supplies for the Government, and establishes and maintains arsenals and depots for their manufacture and safe-keeping. All officers or other persons in the military establishment, to whom ordnance and ordnance supplies or funds are intrusted, will make accounts and returns thereof to the Chief of Ordnance at the times and in the manner prescribed by him.

1489. Vacancies in the grade of first lieutenant of ordnance are filled by transfer from the line of the Army. To be eligible, an officer must be less than thirty years of age, must have served at least two years as an officer in the line of the Army, and must have passed a satisfactory examination before a board of ordnance officers. Applications for examination will be made to the Adjutant-General of the Army.

1490. Should the applicant be directed to appear before a board, he will, after passing a satisfactory preliminary examination as to his physical qualifications, be examined upon the following, or such other subjects as the Secretary of War may prescribe: Gun construction, present and past state of the art; ballistics and ballistic machines; types of projectiles and gun carriages; gunpowder, types and modes of manufacture; small-arms and machine guns; employment of artillery, kinds of fire, etc.; armored defenses; materials for ordnance construction and processes of manufacture; torpedoes for coast defenses; general principles of mechanics.

1491. In the absence of the officer commanding an ordnance establishment, if there be no other ordnance officer present, the command devolves upon the ordnance storekeeper.

ISSUES AND SALES.

1492. Ordnance and ordnance stores include cannon and artillery carriages and equipments; apparatus and machines for the service and maneuver of artillery; small-arms ammunition and accoutrements; horse equipments and harness for the artillery; tools, machinery, and materials for the ordnance service, and all property of whatever nature supplied to the military establishment by the Ordnance Department.

1493. In time of peace, ordnance and ordnance stores are issued from the arsenals and armories by direction of the Chief of Ordnance. Should an issue be made not directed by the Chief of Ordnance, the order therefor will be promptly transmitted to him by the issuing officer.

1494. In time of war, issues may be made to troops in service, on the order of any general or field officer commanding an army, garrison, or

detachment. To authorize an issue to militia, they must have been regularly mustered into the service of the United States, and the requisition for the stores must be properly approved.

1495. The Chief of Ordnance will, on the recommendation of a department commander, approved by the Commanding General of the Army and the Secretary of War, establish ordnance depots at such points as may be designated by the Secretary of War, where ordnance stores will be held for distribution to the troops under such regulations as the department commander may prescribe.

1496. When practicable, these depots will be under the charge of ordnance officers, and only such limited supply of ordnance stores as may be required to meet emergencies will be kept at or issued from them. All other ordnance stores will be supplied from the arsenals as provided in paragraph 1493.

1497. Requisitions for ordnance supplies to meet emergencies will be filled from a depot, under the instructions of the department commander. The officer in charge will be responsible, under the department commander, that sufficient stores, procured by timely requisitions upon the Chief of Ordnance, are always on hand. Unserviceable and unsuitable ordnance and ordnance stores at such depots are under the control of the Chief of Ordnance.

1498. Requisitions for ordnance and ordnance stores not on hand within a department must be approved by the immediate commanders. The personal approval of the department commander, or of the chief ordnance officer of his department, is necessary, but in the absence of the department commander the approval may be made in his name by one of his staff officers. After approval, one copy is forwarded to the Chief of Ordnance direct.

1499. Requisitions will be made in conformity with the supply tables prepared by the Chief of Ordnance, unless extraordinary circumstances, to be plainly set forth in each case, should require a larger supply of one or more of the articles authorized.

1500. Requisitions for ordnance stores, to replace those condemned, will be accompanied by a certified copy of the inspection report; but issues may be made before condemnation on requisition and the officer's statement that the stores are immediately needed for the proper equipment of his command, and that the articles are to replace unserviceable stores, but if required to replace those lost or damaged by the carelessness of the men, the officer will certify that he has charged the cost of the same on the muster and pay rolls.

1501. The service arms, ammunition, accoutrements, and horse equipments required by an officer for his own use in the public service may be sold to him by the Ordnance Department at the regulation price, and the money received passed to the credit of the proper appropriation. Ordnance supplies thus sold to officers will not be disposed of to persons not in the military service. Officers who have once purchased can not be resupplied, except by order of the Secretary of War, and then only after certifying that the property previously purchased was not disposed of in a manner contrary to this paragraph.

1502. When the arms or equipments authorized to be purchased in the preceding paragraph can not be obtained from an ordnance officer, officers

may take from those for which they are accountable such articles as they require for their personal use, or may furnish them to officers of their commands for like purpose. In such cases they will refund the cost of the articles to the Ordnance Department by depositing the money with an assistant treasurer or an authorized depositary, and taking and transmitting the customary certificates.

1503. Officers serving with troops may draw for their personal use, from stores belonging to the command with which they are serving, one regulation rifle or carbine, and one revolver, with the appropriate belts, carbine slings, and cartridge boxes, and the usual quantity of ammunition for each arm. This ordnance property may be used in action or target practice, and will be accounted for in the same manner as similar stores belonging to the United States in the hands of troops.

1504. Ordnance stores will not be loaned to any person, and any officer violating this rule will be held responsible for the money value of the articles.

1505. An officer who makes an issue of ordnance stores to one not in command of troops, except under orders from competent authority, will be charged with the money value of the stores so issued.

1506. Department commanders may, in cases of emergency, direct the sale of arms and ammunition of calibers not used in service, at exposed frontier settlements, to actual settlers for their protection, when they have not the means and facilities to provide for themselves. Officers who make the sales will be required to file with their returns the department commander's authority for the same, and his explanation of the emergency requiring it. No deduction in price will be made on account of failure of purchasers to take bayonets.

1507. The issue or sale of arms, ammunition, or other ordnance stores to Indians not in the military service, or to Indian agents, will not be made except by the special authority of the Secretary of War.

1508. Civilian employees of the War Department may be armed when necessary for the protection of life or public property, and the same responsibility attaches to the officers accountable for the arms furnished them that attaches to those accountable for the arms in the hands of enlisted men.

1509. The sale of ammunition to civilians belonging to exploring or surveying expeditions authorized by law, and to civilian employees of the War Department, may be made for hunting purposes when considered necessary for their subsistence, or for the interest of the United States.

1510. Arms lost, destroyed, or embezzled by civilian employees will be charged in the same manner as stores similarly lost by enlisted men. A certified statement of the fact will be made in duplicate, and the money accounted for to the Ordnance Department. One copy of the statement is filed with the return.

EXPENDITURE OF AMMUNITION.

1511. Ammunition will only be expended in action, in defense of life or public property, in target practice, in the preliminary instruction of the soldier, in hunting, and for authorized salutes.

1512. The officer's certificate as to the necessity for all expenditures of ammunition must accompany his property return, and when ammunition

is dropped from his return as "expended in action by civil employees," a statement giving the place, date, and attending circumstances, sufficiently in detail to insure verification, must be filed with the return.

1513. Ammunition expended by a soldier without orders, or not in the line of duty, or which may be damaged or lost through his neglect, will be charged to him.

1514. When ammunition is furnished to civilian employees it is not to be dropped from the returns unless expended in action, or in hunting when necessary to obtain subsistence. Ammunition not so expended will be returned to the responsible officer and accounted for by him, or paid for at the price fixed.

SURPLUS AND DAMAGED STORES.

1515. Serviceable surplus ordnance stores may be turned in at the nearest arsenal, on the order of a department commander, or if in the hands of a recruiting officer, on the order of the Adjutant-General of the Army.

1516. Officers in charge of arsenals and ordnance depots will afford every facility to officers authorized to turn in property. They will give receipts for it according to condition.

1517. Whenever canteens become unserviceable because of worn-out covers or lost corks, they will not be presented for condemnation, but will be repaired by the troops. Timely requisitions will be made on the Ordnance Department for extra covers, corks, etc., with which to repair them.

1518. On arrival of recruits at their destination, the clothing bags, haversacks, meat cans, tin cups, knives, forks, spoons, and canteens in their possession will be properly packed and turned over to the Quartermaster's Department for transportation to an arsenal to be designated by the Chief of Ordnance for repairs and subsequent issue to recruiting stations and recruit rendezvous. Should any of these stores be needed for the proper equipment of the organization to which the recruits are sent, they may be retained and report thereof made at once to the Chief of Ordnance.

1519. Ordinary repairs can usually be made in the company, or at the post, with the means provided for that purpose by the Ordnance Department. When the repairs required are too extensive to be thus made, an inspector should recommend that the stores be sent to an arsenal to be designated by the Chief of Ordnance. A certified extract from the inspection report, accompanying the invoices, is the officer's authority for turning them in.

1520. In the absence of an inspecting officer, department commanders may direct all arms, accoutrements or equipments needing repairs, which can not be made by the troops, to be sent to an arsenal to be designated by the Chief of Ordnance.

1521. No officer will turn in any unserviceable ordnance stores except as provided in these regulations.

1522. Lists of prices to be charged against soldiers for the loss of or damage to firearms are published from time to time.

1523. Arm chests not required for the storage of supplies will be returned to the nearest arsenal or ordnance depot when the cost of transportation is not greater than the value of the property. Officers to whom such chests have been issued will be charged with their value if they are destroyed.

INSPECTION OF ORDNANCE SUPPLIES.

1524. Before final disposition of ordnance supplies which from any cause are worn out or damaged, they will be submitted to an inspector.

1525. When sales of ordnance stores are recommended, all of the copies of the inspection report will be forwarded by the department commander direct to the Chief of Ordnance, for the final action of the Secretary of War.

1526. When the recommendation of an inspector for sale of ordnance supplies is approved, two copies of the report will be returned to the officer accountable for the stores, through the headquarters of the department in which he may be serving, with detailed instructions how to make the sales and account for the proceeds, and one copy transmitted to the Inspector-General. One copy of each inventory and inspection report must accompany the return.

PACKING AND TRANSPORTATION.

1527. Officers who ship arms of any description are held responsible that they are so packed that, under ordinary handling, they can not break loose from their fastenings in the boxes, and that no loaded arm is packed for transportation. When loaded arms, or arms insecurely packed, are received by an officer, he will report the facts direct to the Chief of Ordnance

1528. After packing arms or other ordnance stores for shipment, the covers and bottoms of the arm chests and packing boxes will, if possible, be sealed with wax and stamped with an official mark by the officer responsible. The lid will be secured by screws, at least two of which will be sealed. Each board on top and bottom will have at least one sealed screw. The screw heads will be countersunk to a depth sufficient to protect the wax seal from injury. The design of the seal will designate the arsenal or post from which the shipment is made, or the name of the shipping officer.

1529. The Ordnance Department will prepare official stamps for sealing boxes, and distribute them in duplicate to each company. Company commanders will account for them in their quarterly returns of ordnance stores and use them exclusively for purposes intended.

1530. The name of the invoicing officer, the gross weight of all boxes and date of weighing will be distinctly marked thereon. Each quartermaster who ships or receives ordnance stores will satisfy himself that the seals on the packages are unbroken. If the seals should be broken and any stores lost, he will cause the value of the lost stores to be charged to the carrier.

1531. For transportation, ordnance stores will be turned over to the Quartermaster's Department, with duplicate invoices; a third invoice, with duplicate receipts, to be signed by the receiving officer, will be sent direct to him by mail. Materials procured for current use at ordnance establishments will be transported at the expense of the Ordnance Department.

RETURNS AND REPORTS.

1532. Officers accountable for ordnance funds will render the returns and statements required by Ordnance Regulations.

1533. Officers or ordnance sergeants accountable for ordnance and ordnance stores will render a quarterly return thereof direct to the Chief of Ordnance, within twenty days after the expiration of each quarter.

1534. Records of artillery firing will be kept by commanding officers of permanent forts and batteries, and a copy forwarded direct to the Chief of Ordnance at the end of February, April, June, August, October, and December of each year.

1535. Requisitions for blanks and blank books required for the use of the Ordnance Department will be made quarterly, or when needed, by every regiment and company. Those suited to every command and arm of the service can be obtained upon application to the Chief of Ordnance.

1536. In the care and preservation of artillery material, magazines, small arms, etc., the instructions contained in the authorized Manual of Heavy Artillery and the publications of the Ordnance Department will be observed.

ARTICLE LXXXIV.

THE SIGNAL CORPS.

1537. The Chief Signal Officer is charged, under the Secretary of War, with the direction of the Signal Bureau; with the control of the officers, enlisted men, and employees attached thereto; with the construction, repair, and operation of military telegraph lines; with the supervision of such instruction in military signaling and telegraphy as may be prescribed in orders from the War Department; with the procurement, preservation, and distribution of the necessary supplies for the Signal Corps. He has charge of all military signal duties, and of books, papers, and devices connected therewith, including telegraph and telephone apparatus and the necessary meteorological instruments for target ranges and other military uses; of collecting and transmitting information for the Army, by telegraph or otherwise, and all other duties pertaining to military signaling.

1538. Vacancies in the grade of first lieutenant in the Signal Corps are filled by transfer from the line of the Army. To be eligible, an officer must be less than thirty years of age, have served at least two years as an officer in the line, and have passed a satisfactory examination before a board of officers of the Signal Corps. Applications for examination will be made to the Adjutant-General of the Army. Should the applicant be directed to appear before a board, he will, after passing a satisfactory examination as to his physical qualifications, be examined upon the following subjects, or such others as the Secretary of War may prescribe: Theoretical and practical electricity, modern languages, chemistry and optics, military surveying and reconnaissance. The board will inquire into and consider the special military fitness for the Signal Corps of the candidate and require from him an essay on a military subject.

1539. The number of sergeants of each class at each signal station will be fixed by the Chief Signal Officer. They will be enlisted and may be mustered, at his discretion, in the class for which competent, and in which there is a vacancy. Sergeants are promoted and reduced in the classes of their grade as fixed by law by the Chief Signal Officer.

1540. An officer having charge of the descriptive list of a sergeant of the Signal Corps not mustered at a garrisoned post will forward monthly to the Chief Signal Officer direct a copy of all remarks made on the descriptive list, also of the list when transferred to any other officer.

1541. The senior signal officer of an army in the field commands the signal parties serving therein. Orders affecting them will be transmitted through him, and he will be responsible that they are fully instructed, adequately supplied, and that they properly perform their duties. He will keep himself informed of the position of the army and of the enemy, and under the instruction of the general commanding will establish his stations. He will submit reports of operations to the general commanding, and forward copies thereof to the Chief Signal Officer in Washington, to whom he will report monthly his station, the strength and condition of his parties, and all other matters pertaining to their duties and equipment.

1542. When telegraph lines are, by order of the Secretary of War, placed under charge of signal officers, they will be held responsible for their construction, maintenance, and operation. Commanding officers and others will see that the special duties of these officers are not interfered with, and upon proper application will render any assistance in their power.

1543. Official and military messages will have precedence. Communications transmitted by telegraph or signals are always confidential, and will not be revealed except to those officially entitled to receive them.

1544. Department commanders will require suitable instruction and practice in military signaling in their departments. To this end they will cause a signal officer to be detailed at each post, who will give necessary instruction and supervise field practice during at least two months of the year. Constant instruction will be maintained until at least one officer and four enlisted men of each company are proficient in the exchange of both day and night signals by flag, torch, and heliograph. The detail will be changed from time to time. For each month in which instruction and practice are held, reports thereof will be rendered to the Chief Signal Officer, through department commanders.

1545. As the Army signal code differs from the Navy code, code cards and instructions in detail for using each will be furnished by the Chief Signal Officer upon application.

1546. Signal supplies will be furnished by the Signal Bureau to posts and such organizations as require them, on requisitions approved by department commanders. They will be receipted for by signal officers and will be accounted for to the Chief Signal Officer on forms furnished for the purpose. Telescopes, field glasses, heliographs, and telephones, when unserviceable, will not be submitted to an inspector for condemnation without previous authority of the Chief Signal Officer.

1547. Quartermasters and commissaries will issue to signal parties serving in their vicinity such supplies from their respective departments as may be necessary for their proper equipment and subsistence, on the requisition of the officer in charge of such parties.

ARTICLE LXXXV.

UNIFORM.

1548. The uniform and equipments of officers and enlisted men will be prescribed in special regulations published by authority of the Secretary of War.

1549. The proper dress will be determined by the commanding officer. When an officer or soldier is permitted to wear civilian dress, it will not be accompanied by any mark of the uniform. When in uniform he will conform strictly to the requirements for the day.

1550. Officers and enlisted men may be permitted to wear black rubber ponchos or blankets, or black or dark-blue waterproof overcoats when on duty involving exposure to rainy or other inclement weather.

MISCELLANEOUS.

1551. Officers and enlisted men who, in their own right or by right of inheritence, are members of military societies of men who served in the armies and navies of the United States in the War of the Revolution, the War of 1812, the Mexican War, and the War of the Rebellion, or are members of the Regular Army and Navy Union of the United States, may wear on all occasions of ceremony, when full dress is required, the distinctive badges adopted by such societies—badges to be worn on the left breast of the coat suspended by a ribbon from a bar of metal passed through their upper ends, and tops of the ribbons forming a horizontal line, the outer end of which will be from three to four inches below the top of the shoulder according to height of wearer. Medals of honor and the several distinctive marks given for excellence in rifle practice may also be worn in the same manner by officers and enlisted men upon all occasions of ceremony. Insignia "buttons" will not be worn.

ARTICLE LXXXVI.

Blank Forms.

1552. The standard blank forms used in Army administration, with the notes and directions thereon, have the force and effect of Army Regulations. New forms or alterations will not be made without the authority of the Secretary of War, and the date on which a form or alteration was authorized will be printed on the form itself. All notes or directions on these blanks will, prior to their issue, be approved by the Secretary of War. These forms and lists of them will be furnished by the chiefs of the various bureaus and offices of the War Department. Requisitions therefor will call for them by number and name.

ARTICLES OF WAR.

SECTION 1342, Revised Statutes. The armies of the United States shall be governed by the following rules and articles. The word officer, as used therein, shall be understood to designate commissioned officers; the word soldier shall be understood to include noncommissioned officers, musicians, artificers, and privates, and other enlisted men, and the convictions mentioned therein shall be understood to be convictions by court-martial.

ARTICLE 1. Every officer now in the Army of the United States shall, within six months from the passing of this act, and every officer hereafter appointed shall, before he enters upon the duties of his office, subscribe these rules and articles.

ART. 2. These rules and articles shall be read to every enlisted man at the time of, or within six days after, his enlistment, and he shall thereupon take an oath or affirmation, in the following form: "I, A. B., do solemnly swear (or affirm) that I will bear true faith and allegiance to the United States of America; that I will serve them honestly and faithfully against all their enemies whomsoever; and that I will obey the orders of the President of the United States, and the orders of the officers appointed over me, according to the rules and article of war." This oath may be taken before any commissioned officer of the army.

ART. 3. Every officer who knowingly enlists or musters into the military service any minor over the age of 16 years without the written consent of his parents or guardians, or any minor under the age of 16 years, or any insane or intoxicated persons, or any deserter from the military or naval service of the United States, or any person who has been convicted of any infamous criminal offense, shall, upon conviction, be dismissed from the service, or suffer such other punishment as a court-martial may direct.

ART. 4. No enlisted man, duly sworn, shall be discharged from the service without a discharge in writing, signed by a field officer of the regiment to which he belongs, or by the commanding officer, when no field officer is present; and no discharge shall be given to any enlisted man before his term of service has expired, except by order of the President, the Secretary of War, the commanding officer of a department, or by sentence of a general court-martial.

ART. 5. Any officer who knowingly musters as a soldier a person who is not a soldier, shall be deemed guilty of knowingly making a false muster, and punished accordingly.

ART. 6. Any officer who takes money, or other thing, by way of gratification, on mustering any regiment, troop, battery, or company, or on signing muster rolls, shall be dismissed from the service, and shall thereby be disabled to hold any office or employment in the service of the United States.

ART. 7. Every officer commanding a regiment, an independent troop, battery, or company, or a garrison, shall, in the beginning of every month,

transmit through the proper channels, to the Department of War. an exact return of the same, specifying the names of the officers then absent from their posts, with the reasons for and the time of their absence. And any officer who, through neglect or design, omits to send such returns, shall, on conviction thereof, be punished as a court-martial may direct.

ART. 8. Every officer who knowingly makes a false return to the Department of War, or to any of his superior officers, authorized to call for such returns, of the state of the regiment, troop or company, or garrison under his command; or of the arms, ammunition, clothing, or other stores thereunto belonging, shall, on conviction thereof before a court-martial, be cashiered.

ART. 9. All public stores taken from the enemy shall be secured for the service of the United States; and for neglect thereof the commanding officer shall be answerable.

ART. 10. Every officer commanding a troop, battery, or company, is charged with the arms, accoutrements, ammunition, clothing, or other military stores belonging to his command, and is accountable to his colonel in case of their being lost, spoiled, or damaged otherwise than by unavoidable accident, or on actual service.

ART. 11. Every officer commanding a regiment or an independent troop, battery, or company, not in the field, may, when actually quartered with such command, grant furloughs to the enlisted men, in such numbers and for such time as he shall deem consistent with the good of the service. Every officer commanding a regiment, or an independent troop, battery, or company, in the field, may grant furloughs not exceeding thirty days at one time, to five per centum of the enlisted men, for good conduct in the line of duty, but subject to the approval of the commander of the forces of which said enlisted men form a part. Every company officer of a regiment, commanding any troop, battery, or company not in the field, or commanding in any garrison, fort, post, or barrack, may, in the absence of his field officer, grant furloughs to the enlisted men, for a time not exceeding twenty days in six months, and not to more than two persons to be absent at the same time.

ART. 12. At every muster of a regiment, troop, battery, or company, the commanding officer thereof shall give to the mustering officer certificates, signed by himself, stating how long absent officers have been absent and the reasons of their absence. And the commanding officer of every troop, battery, or company shall give like certificates, stating how long absent noncommissioned officers and private soldiers have been absent and the reasons of their absence. Such reasons and time of absence shall be inserted in the muster rolls opposite the names of the respective absent officers and soldiers, and the certificates, together with the muster rolls, shall be transmitted by the mustering officer to the Department of War, as speedily as the distance of the place and muster will admit.

ART. 13. Every officer who signs a false certificate, relating to the absence or pay of an officer or soldier, shall be dismissed from the service.

ART. 14. Any officer who knowingly makes a false muster of man or horse, or who signs, or directs, or allows the signing of any muster roll, knowing the same to contain a false muster, shall, upon proof thereof, by two wit-

nesses, before a court-martial, be dismissed from the service, and shall thereby be disabled to hold any office or employment in the service of the United States.

ART. 15. Any officer who, wilfully or through neglect, suffers to be lost, spoiled, or damaged, any military stores belonging to the United States, shall make good the loss or damage, and be dismissed from the service.

ART. 16. Any enlisted man who sells, or wilfully or through neglect wastes the ammunition delivered out to him, shall be punished as a court-martial may direct.

ART. 17. Any soldier who sells or through neglect loses or spoils his horse, arms, clothing, or accoutrements shall be punished as a court-martial may adjudge, subject to such limitation as may be prescribed by the President by virtue of the power vested in him. [Act approved July 27, 1892.]

ART. 18. Any officer commanding in any garrison, fort, or barracks of the United States who, for his private advantage, lays any duty or imposition upon, or is interested in, the sale of any victuals, liquors, or other necessaries of life, brought into such garrison, fort, or barracks, for the use of the soldiers, shall be dismissed from the service.

ART. 19. Any officer who uses contemptuous or disrespectful words against the President, the Vice-President, the Congress of the United States, or the chief magistrate or legislature of any of the United States in which he is quartered, shall be dismissed from the service, or otherwise punished, as a court-martial may direct. Any soldier who so offends shall be punished as a court-martial may direct.

ART. 20. Any officer or soldier who behaves himself with disrespect towards his commanding officer shall be punished as a court-martial may direct.

ART. 21. Any officer or soldier who, on any pretense whatsoever, strikes his superior officer, or draws or lifts up any weapon, or offers any violence against him, being in the execution of his office, or disobeys any lawful command of his superior officer, shall suffer death, or such other punishment as a court-martial may direct.

ART. 22. Any officer or soldier who begins, excites, causes, or joins in any mutiny, or sedition, in any troop, battery, company, party, post, detachment, or guard, shall suffer death, or such other punishment as a court-martial may direct.

ART. 23. Any officer or soldier who, being present at any mutiny or sedition, does not use his utmost endeavor to suppress the same, or having knowledge of any intended mutiny or sedition, does not, without delay, give information thereof to his commanding officer, shall suffer death, or such other punishment as a court-martial may direct.

ART. 24. All officers, of what condition soever, have power to part and quell all quarrels, frays, and disorders, whether among persons belonging to his own or to another corps, regiment, troop, battery, or company, and to order officers into arrest, and noncommissioned officers and soldiers into confinement, who take part in the same, until their proper superior officer is acquainted therewith. And whosoever, being so ordered, refuses to obey such officer or noncommissioned officer, or draws a weapon upon him, shall be punished as a court-martial may direct.

ART. 25. No officer or soldier shall use any reproachful or provoking speeches or gestures to another. Any officer who so offends shall be put in arrest. Any soldier who so offends shall be confined, and required to ask pardon of the party offended, in the presence of his commanding officer.

ART. 26. No officer or soldier shall send a challenge to another officer or soldier to fight a duel, or accept a challenge so sent. Any officer who so offends shall be dismissed from the service. Any soldier who so offends shall suffer such punishment as a court-martial may direct.

ART. 27. Any officer or noncommissioned officer, commanding a guard, who, knowingly and willingly, suffers any person to go forth to fight a duel, shall be punished as a challenger; and all seconds or promoters of duels, and carriers of challenges to fight duels, shall be deemed principals, and punished accordingly. It shall be the duty of any officer commanding an army, regiment, troop, battery, company, post, or detachment, who knows or has reason to believe that a challenge has been given or accepted by any officer or enlisted man under his command, immediately to arrest the offender and bring him to trial.

ART. 28. Any officer or soldier who upbraids another officer or soldier for refusing a challenge shall himself be punished as a challenger; and all officers and soldiers are hereby discharged from any disgrace or opinion of disadvantage which might arise from their having refused to accept challenges, as they will only have acted in obedience to the law, and have done their duty as good soldiers, who subject themselves to discipline.

ART. 29. Any officer who thinks himself wronged by the commanding officer of his regiment, and, upon due application to such commander, is refused redress, may complain to the general commanding in the State or Territory where such regiment is stationed. The general shall examine into said complaint and take proper measures for redressing the wrong complained of; and he shall, as soon as possible, transmit to the Department of War a true statement of such complaint, with the proceedings had thereon.

ART. 30. Any soldier who thinks himself wronged by any officer may complain to the commanding officer of his regiment, who shall summon a regimental court-martial for the doing of justice to the complainant. Either party may appeal from such regimental court-martial to a general court-martial; but if, upon such second hearing, the appeal appears to be groundless and vexatious, the party appealing shall be punished at the discretion of said general court-martial.

ART. 31. Any officer or soldier who lies out of his quarters, garrison, or camp, without leave from his superior officer, shall be punished as a court-martial may direct.

ART. 32. Any soldier who absents himself from his troop, battery, company, or detachment, without leave from his commanding officer, shall be punished as a court-martial may direct.

ART. 33. Any officer or soldier who fails, except when prevented by sickness or other necessity, to repair, at the fixed time, to the place of parade, exercise, or other rendezvous appointed by his commanding officer, or goes from the same, without leave from his commanding officer, before he is dismissed or relieved, shall be punished as a court-martial may direct.

ART. 34. Any soldier who is found one mile from camp, without leave in writing from his commanding officer, shall be punished as a court-martial may direct.

ART. 35. Any soldier who fails to retire to his quarters or tent at the beating of retreat, shall be punished according to the nature of his offense.

ART. 36. No soldier belonging to any regiment, troop, battery, or company shall hire another to do his duty for him, or be excused from duty, except in cases of sickness, disability, or leave of absence. Every such soldier found guilty of hiring his duty, and the person so hired to do another's duty, shall be punished as a court-martial may direct.

ART. 37. Every noncommissioned officer who connives at such hiring of duty shall be reduced. Every officer who knows and allows such practices shall be punished as a court-martial may direct.

ART. 38. Any officer who is found drunk on his guard, party, or other duty, shall be dismissed from the service. Any soldier who so offends shall suffer such punishment as a court-martial may direct. No court-martial shall sentence any soldier to be branded, marked, or tattooed.

ART. 39. Any sentinel who is found sleeping upon his post, or who leaves it before he is regularly relieved, shall suffer death, or such other punishment as a court-martial may direct.

ART. 40. Any officer or soldier who quits his guard, platoon, or division, without leave from his superior officer, except in a case of urgent necessity, shall be punished as a court-martial may direct.

ART. 41. Any officer who, by any means whatsoever, occasions false alarms in camp, garrison, or quarters, shall suffer death, or such other punishment as a court-martial may direct.

ART. 42. Any officer or soldier who misbehaves himself before the enemy, runs away, or shamefully abandons any fort, post, or guard, which he is commanded to defend, or speaks words inducing others to do the like, or casts away his arms or ammunition, or quits his post or colors to plunder or pillage, shall suffer death, or such other punishment as a court-martial may direct.

ART. 43. If any commander of any garrison, fortress, or post is compelled, by the officers and soldiers under his command, to give up to the enemy or to abandon it, the officers or soldiers so offending shall suffer death, or such other punishment as a court-martial may direct.

ART. 44. Any person belonging to the armies of the United States who makes known the watchword to any person not entitled to receive it, according to the rules and discipline of war, or presumes to give a parole or watchword different from that which he received, shall suffer death, or such other punishment as a court-martial may direct.

ART. 45. Whosoever relieves the enemy with money, victuals, or ammunition, or knowingly harbors or protects an enemy, shall suffer death, or such other punishment as a court-martial may direct.

ART. 46. Whosoever holds correspondence with, or gives intelligence to, the enemy, either directly or indirectly, shall suffer death, or such other punishment as a court-martial may direct.

ART. 47. Any officer or soldier who, having received pay, or having been duly enlisted in the service of the United States, deserts the same, shall, in

time of war, suffer death, or such other punishment as a court-martial may direct; and in time of peace, any punishment, excepting death, which a court martial may direct.

ART. 48. Every soldier who deserts the service of the United States shall be liable to serve for such period as shall, with the time he may have served previous to his desertion, amount to the full term of his enlistment; and such soldier shall be tried by a court-martial and punished, although the term of his enlistment may have elapsed previous to his being apprehended and tried.

ART. 49. Any officer who, having tendered his resignation, quits his post or proper duties, without leave, and with intent to remain permanently absent therefrom, prior to due notice of the acceptance of the same, shall be deemed and punished as a deserter.

ART. 50. No noncommissioned officer or soldier shall enlist himself in any other regiment, troop, or company, without a regular discharge from the regiment, troop, or company in which he last served, on a penalty of being reputed a deserter, and suffering accordingly. And in case any officer shall knowingly receive and entertain such noncommissioned officer or soldier, or shall not, after his being discovered to be a deserter, immediately confine him and give notice thereot to the corps in which he last served, the said officer shall, by a court-martial, be cashiered.

ART. 51. Any officer or soldier who advises or persuades any other officer or soldier to desert the service of the United States, shall, in time of war, suffer death, or such other punishment as a court-martial may direct; and in time of peace, any punishment, excepting death, which a court-martial may direct.

ART. 52. It is earnestly recommended to all officers and soldiers diligently to attend divine service. Any officer who behaves indecently or irreverently at any place of divine worship shall be brought before a general court-martial, there to be publicly and severely reprimanded by the president thereof. Any soldier who so offends shall, for his first offense, forfeit one-sixth of a dollar; for each further offense he shall forfeit a like sum, and shall be confined twenty-four hours. The money so forfeited shall be deducted from his next pay, and shall be applied, by the captain or senior officer of his troop, battery, or company, to the use of the sick soldiers of the same.

ART. 53. Any officer who uses any profane oath or execration shall, for each offense, forfeit and pay one dollar. Any soldier who so offends shall incur the penalties provided in the preceding article; and all moneys forfeited for such offenses shall be applied as therein provided.

ART. 54. Every officer commanding in quarters, garrison, or on the march, shall keep good order, and, to the utmost of his power, redress all abuses or disorders which may be committed by any officer or soldier under his command; and if, upon complaint made to him of officers or soldiers beating or otherwise ill-treating any person, disturbing fairs or markets, or committing any kind of riot, to the disquieting of the citizens of the United States, he refuses or omits to see justice done to the offender, and reparation made to the party injured, so far as part of the offender's pay shall go toward such reparation, he shall be dismissed from the service, or otherwise punished as a court-martial may direct.

ART. 55. All officers and soldiers are to behave themselves orderly in quarters and on the march; and whoever commits any waste or spoil,

either in walks or trees, parks, warrens, fish-ponds, houses, gardens, grain fields, inclosures, or meadows, or maliciously destroys any property whatsoever belonging to inhabitants of the United States, (unless by order of a general officer commanding a separate army in the field.) shall, besides such penalties as he may be liable to by law, be punished as a court-martial may direct.

ART. 56. Any officer or soldier who does violence to any person bringing provisions or other necessaries to the camp, garrison, or quarters of the forces of the United States in foreign parts, shall suffer death, or such other punishment as a court-martial may direct.

ART. 57. Whosoever, belonging to the armies of the United States in foreign parts, or at any place within the United States or their Territories during rebellion against the supreme authority of the United States, forces a safeguard, shall suffer death.

ART. 58. In time of war, insurrection, or rebellion, larceny, robbery, burglary, arson, mayhem, manslaughter, murder, assault and battery with an intent to kill, wounding, by shooting or stabbing, with an intent to commit murder, rape, or assault and battery with an intent to commit rape, shall be punishable by the sentence of a general court-martial, when committed by persons in the military service of the United States, and the punishment in any such case shall not be less than the punishment provided, for the like offense, by the laws of the State, Territory, or district in which such offense may have been committed.

ART. 59. When any officer or soldier is accused of a capital crime, or of any offense against the person or property of any citizen of any of the United States, which is punishable by the laws of the land, the commanding officer, and the officers of the regiment, troop, battery, company, or detachment, to which the person so accused belongs, are required, except in time of war, upon application duly made by or in behalf of the party injured, to use their utmost endeavors to deliver him over to the civil magistrate, and to aid the officers of justice in apprehending and securing him, in order to bring him to trial. If, upon such application, any officer refuses or wilfully neglects, except in time of war, to deliver over such accused person to the civil magistrates, or to aid the officers of justice in apprehending him, he shall be dismissed from the service.

ART. 60. Any person in the military service of the United States who makes or causes to be made any claim against the United States, or any officer thereof, knowing such claim to be false or fraudulent; or

Who presents or causes to be presented to any person in the civil or military service thereof, for approval or payment, any claim against the United States or any officer thereof, knowing such claim to be false or fraudulent; or

Who enters into any agreement or conspiracy to defraud the United States by obtaining, or aiding others to obtain, the allowance or payment of any false or fraudulent claim; or

Who, for the purpose of obtaining, or aiding others to obtain, the approval, allowance, or payment of any claim against the United States or against any officer thereof, makes or uses, or procures or advises the making or use of, any writing, or other paper, knowing the same to contain any false or fraudulent statement; or

Who, for the purpose of obtaining, or aiding others to obtain, the approval, allowance, or payment of any claim against the United States or any officer thereof, makes, or procures or advises the making of, any oath to any fact or to any writing or other paper, knowing such oath to be false; or

Who, for the purpose of obtaining, or aiding others to obtain, the approval, allowance, or payment of any claim against the United States or any officer thereof, forges or counterfeits, or procures or advises the forging or counterfeiting of, any signature upon any writing or other paper, or uses, or procures or advises the use of, any such signature, knowing the same to be forged or counterfeited; or

Who, having charge, possession, custody or control of any money or other property of the United States, furnished or intended for the military service thereof, knowingly delivers, or causes to be delivered, to any person having authority to receive the same, any amount thereof less than that for which he receives a certificate or receipt; or

Who, being authorized to make or deliver any paper certifying the receipt of any property of the United States, furnished or intended for the military service thereof, makes, or delivers to any person, such writing, without having full knowledge of the truth of the statements therein contained, and with intent to defraud the United States; or

Who steals, embezzles, knowingly and wilfully misappropriates, applies to his own use or benefit, or wrongfully or knowingly sells or disposes of any ordnance, arms, equipments, ammunition, clothing, subsistence stores, money, or other property of the United States, furnished or intended for the military service thereof; or

Who knowingly purchases, or receives in pledge for any obligation or indebtedness, from any soldier, officer, or other person who is a part of or employed in said forces or service, any ordnance, arms, equipments, ammunition, clothing, subsistence stores, or other property of the United States, such soldier, officer, or other person not having lawful right to sell or pledge the same,

Shall, on conviction thereof, be punished by fine or imprisonment, or by such other punishment as a court-martial may adjudge. And if any person, being guilty of any of the offenses aforesaid, while in the military service of the United States, receives his discharge, or is dismissed from the service, he shall continue to be liable to be arrested and held for trial and sentence by a court-martial, in the same manner and to the same extent as if he had not received such discharge nor been dismissed.

ART. 61. Any officer who is convicted of conduct unbecoming an officer and a gentleman shall be dismissed from the service.

*ART. 62. All crimes not capital, and all disorders and neglects, which officers and soldiers may be guilty of, to the prejudice of good order and military discipline, though not mentioned in the foregoing articles of war, are to be taken cognizance of by a general, or a regimental, garrison, or field officers' court-martial, according to the nature and degree of the offense, and punished at the discretion of such court.

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*SEC. 3. That fraudulent enlistment, and the receipt of any pay or allowance thereunder, is hereby declared a military offense and made punishable by court-martial, under the Sixty-second Article of War.—[Act approved July 27, 1892.]

ART. 63. All retainers to the camp, and all persons serving with the armies of the United States in the field, though not enlisted soldiers, are to be subject to orders, according to the rules and discipline of war.

ART. 64. The officers and soldiers of any troops, whether militia or others, mustered and in pay of the United States, shall, at all times and in all places, be governed by the articles of war, and shall be subject to be tried by courts-martial.

ART. 65. Officers charged with crime shall be arrested and confined in their barracks, quarters, or tents, and deprived of their swords by the commanding officer. And any officer who leaves his confinement before he is set at liberty by his commanding officer shall be dismissed from the service.

ART. 66. Soldiers charged with crimes shall be confined until tried by court-martial, or released by proper authority.

ART. 67. No provost marshal, or officer commanding a guard, shall refuse to receive or keep any prisoner committed to his charge by an officer belonging to the forces of the United States; provided the officer committing shall, at the same time, deliver an account in writing, signed by himself, of the crime charged against the prisoner.

ART. 68. Every officer to whose charge a prisoner is committed shall, within twenty-four hours after such commitment, or as soon as he is relieved from his guard, report in writing, to the commanding officer, the name of such prisoner, the crime charged against him, and the name of the officer committing him; and, if he fails to make such report, he shall be punished as a court-martial may direct.

ART. 69. Any officer who presumes, without proper authority, to release any prisoner committed to his charge, or suffers any prisoner so committed to escape, shall be punished as a court-martial may direct.

ART. 70. No officer or soldier put in arrest shall be continued in confinement more than eight days, or until such time as a court-martial can be assembled.

ART. 71. When an officer is put in arrest for the purpose of trial, except at remote military posts or stations, the officer by whose order he is arrested shall see that a copy of the charges on which he is to be tried is served upon him within eight days after his arrest, and that he is brought to trial within ten days thereafter, unless the necessities of the service prevent such trial; and then he shall be brought to trial within thirty days after the expiration of said ten days. If a copy of the charges be not served, or the arrested officer be not brought to trial, as herein required, the arrest shall cease. But officers released from arrest, under the provisions of this article, may be tried, whenever the exigencies of the service shall permit, within twelve months after such release from arrest.

ART. 72. Any general officer commanding an army, a Territorial Division or a Department, or colonel commanding a separate Department may appoint general courts-martial whenever necessary. But when any such commander is the accuser or prosecutor of any officer under his command the court shall be appointed by the President; and its proceedings and sentence shall be sent directly to the Secretary of War, by whom they shall be laid before the President, for his approval or orders in the case. [Act approved July 5, 1884.]

ART. 73. In time of war the commander of a division, or of a separate brigade of troops, shall be competent to appoint a general court-martial. But when such commander is the accuser or prosecutor of any person under his command, the court shall be appointed by the next higher commander.

ART. 74. Officers who may appoint a court-martial shall be competent to appoint a judge-advocate for the same.

ART. 75. General courts-martial may consist of any number of officers from five to thirteen, inclusive; but they shall not consist of less than thirteen when that number can be convened without manifest injury to the service.

ART. 76. When the requisite number of officers to form a general court-martial is not present in any post or detachment, the commanding officer shall, in cases which require the cognizance of such a court, report to the commanding officer of the department, who shall, thereupon, order a court to be assembled at the nearest post or department at which there may be such a requisite number of officers, and shall order the party accused, with necessary witnesses, to be transported to the place where the said court shall be assembled.

ART. 77. Officers of the Regular Army shall not be competent to sit on courts-martial to try the officers or soldiers of other forces, except as provided in Article 78.

ART. 78. Officers of the Marine Corps, detached for service with the Army by order of the President, may be associated with officers of the Regular Army on courts-martial for the trial of offenders belonging to the Regular Army, or to forces of the Marine Corps so detached; and in such cases the orders of the senior officer of either corps, who may be present and duly authorized, shall be obeyed.

ART. 79. Officers shall be tried only by general courts-martial; and no officer shall, when it can be avoided, be tried by officers inferior to him in rank.

ART. 80. In time of war a field officer may be detailed in every regiment, to try soldiers thereof for offenses not capital; and no soldier, serving with his regiment, shall be tried by a regimental or garrison court-martial when a field officer of his regiment may be so detailed.

ART. 81. Every officer commanding a regiment or corps shall, subject to the provisions of Article 80, be competent to appoint, for his own regiment or corps, courts-martial, consisting of three officers, to try offenses not capital.

ART. 82. Every officer commanding a garrison, fort, or other place, where the troops consist of different corps, shall, subject to the provisions of Article 80, be competent to appoint, for such garrison or other place, courts-martial, consisting of three officers, to try offenses not capital.

ART. 83. Regimental and garrison courts-martial, and field officers detailed to try offenders, shall not have power to try capital cases or commissioned officers, or to inflict a fine exceeding one month's pay, or to imprison or put to hard labor any noncommissioned officer or soldier for a longer time than one month.

ART. 84. The judge-advocate shall administer to each member of the court, before they proceed upon any trial, the following oath, which shall

also be taken by all members of regimental and garrison courts-martial: "You, A B, do swear that you will well and truly try and determine, according to evidence, the matter now before you, between the United States of America and the prisoner to be tried, and that you will duly administer justice, without partiality, favor, or affection, according to the provisions of the rules and articles for the government of the armies of the United States, and if any doubts should arise, not explained by said articles, then according to your conscience, the best of your understanding, and the custom of war in like cases; and you do further swear that you will not divulge the sentence of the court until it shall be published by the proper authority, except to the judge-advocate; neither will you disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof, as a witness, by a court of justice, in a due course of law. So help you God." [Act approved July 27, 1892.]

ART. 85. When the oath has been administered to the members of a court-martial, the president of the court shall administer to the judge-advocate, or person officiating as such, an oath in the following form: "You, A B, do swear that you will not disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof, as a witness, by a court of justice, in due course of law; nor divulge the sentence of the court to any but the proper authority, until it shall be duly disclosed by the same. So help you God."

ART. 86. The court-martial may punish, at discretion, any person who uses any menacing words, signs, or gestures, in its presence, or who disturbs its proceedings by any riot or disorder.

ART. 87. All members of a court-martial are to behave with decency and calmness.

ART. 88. Members of a court-martial may be challenged by a prisoner, but only for cause stated to the court. The court shall determine the relevancy and validity thereof, and shall not receive a challenge to more than one member at a time.

ART. 89. When a prisoner, arraigned before a general court-martial, from obstinacy and deliberate design, stands mute, or answers foreign to the purpose, the court may proceed to trial and judgment, as if the prisoner had pleaded not guilty.

ART. 90. The judge-advocate, or some person deputed by him, or by the general or officer commanding the Army, detachment, or garrison, shall prosecute in the name of the United States, but when the prisoner has made his plea, he shall so far consider himself counsel for the prisoner as to object to any leading question to any of the witnesses, and to any question to the prisoner, the answer to which might tend to criminate himself.

*ART. 91. The deposition, of witnesses residing beyond the limits of the State, Territory, or district in which any military court may be ordered to sit, if taken on reasonable notice to the opposite party and duly authenticated, may be read in evidence before such court in cases not capital.

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* SEC. 4. That judge-advocates of departments and of courts-martial, and the trial officers of summary courts, are hereby authorized to administer oaths for the purposes of the administration of military justice, and for other purposes of military administration.—[Act approved July 27 1892.]

ART. 92. All persons who give evidence before a court-martial shall be examined on oath, or affirmation, in the following form: "You swear (or affirm) that the evidence you shall give, in the case now in hearing, shall be the truth, the whole truth, and nothing but the truth. So help you God."

ART. 93. A court-martial shall, for reasonable cause, grant a continuance to either party, for such time, and as often as may appear to be just: *Provided*, That if the prisoner be in close confinement, the trial shall not be delayed for a period longer than sixty days.

ART. 94. Proceedings of trials shall be carried on only between the hours of eight in the morning and three in the afternoon, excepting in cases which, in the opinion of the officer appointing the court, require immediate example.

ART. 95. Members of a court-martial, in giving their votes, shall begin with the youngest in commission.

ART. 96. No person shall be sentenced to suffer death, except by the concurrence of two-thirds of the members of a general court-martial, and in the cases herein expressly mentioned.

ART. 97. No person in the military service shall, under the sentence of a court-martial, be punished by confinement in a penitentiary, unless the offense of which he may be convicted would, by some statute of the United States, or by some statute of the State, Territory, or District in which such offense may be committed, or by the common law, as the same exists in such State, Territory, or District, subject such convict to such punishment.

ART. 98. No person in the military service shall be punished by flogging, or by branding, marking, or tattooing on the body.

ART. 99. No officer shall be discharged or dismissed from the service, except by order of the President, or by sentence of a general court-martial; and in time of peace no officer shall be dismissed, except in pursuance of the sentence of a court-martial, or in mitigation thereof.

ART. 100. When an officer is dismissed from the service for cowardice or fraud, the sentence shall further direct that the crime, punishment, name, and place of abode of the delinquent shall be published in the newspapers in and about the camp, and in the State from which the offender came, or where he usually resides; and after such publication it shall be scandalous for an officer to associate with him.

ART. 101. When a court-martial suspends an officer from command, it may also suspend his pay and emoluments for the same time, according to the nature of his offense.

ART. 102. No person shall be tried a second time for the same offense.

ART. 103. No person shall be liable to be tried and punished by a general court-martial for any offense which appears to have been committed more than two years before the issuing of the order for such trial, unless, by reason of having absented himself, or of some other manifest impediment, he shall not have been amenable to justice within that period.

No person shall be tried or punished by a court-martial for desertion in time of peace and not in the face of an enemy, committed more than two years before the arraignment of such person for such offense, unless he shall meanwhile have absented himself from the United States, in which case the time of his absence shall be excluded in computing the period of the limitation: *Provided*, That said limitation shall not begin until the end of the term for which said person was mustered into the service. [Act approved April 11, 1890.]

ART. 104. No sentence of a court-martial shall be carried into execution until the same shall have been approved by the officer ordering the court, or by the officer commanding for the time being. [Act approved July 27, 1892.]

ART. 105. No sentence of a court-martial, inflicting the punishment of death, shall be carried into execution until it shall have been confirmed by the President; except in the cases of persons convicted, in time of war, as spies, mutineers, deserters, or murderers, and in the cases of guerilla marauders, convicted, in time of war, of robbery, burglary, arson, rape, assault with intent to commit rape, or of violation of the laws and customs of war; and in such excepted cases the sentence of death may be carried into execution upon confirmation by the commanding general in the field, or the commander of the department, as the case may be.

ART. 106. In time of peace no sentence of a court-martial, directing the dismissal of an officer, shall be carried into execution until it shall have been confirmed by the President.

ART. 107. No sentence of a court-martial appointed by the commander of a division or of a separate brigade of troops, directing the dismissal of an officer, shall be carried into execution until it shall have been confirmed by the general commanding the army in the field to which the division or brigade belongs.

ART. 108. No sentence of a court-martial, either in time of peace or in time of war, respecting a general officer, shall be carried into execution until it shall have been confirmed by the President.

ART. 109. All sentences of a court-martial may be confirmed and carried into execution by the officer ordering the court, or by the officer commanding for the time being, where confirmation by the President, or by the commanding general in the field, or commander of the department, is not required by the articles.

ART. 110. No sentence adjudged by a field officer, detailed to try soldiers of his regiment, shall be carried into execution until the same shall have been approved by the brigade commander, or, in case there be no brigade commander, by the commanding officer of the post or camp. [Act approved July 27, 1892.]

ART. 111. Any officer who has authority to carry into execution the sentence of death, or of dismissal of an officer, may suspend the same until the pleasure of the President shall be known; and, in such case, he shall immediately transmit to the President a copy of the order of suspension, together with a copy of the proceedings of the court.

ART. 112. Every officer who is authorized to order a general court-martial shall have power to pardon or mitigate any punishment adjudged by it, except the punishment of death or of dismissal of an officer. Every officer commanding a regiment or garrison in which a regimental or garrison court-martial may be held, shall have power to pardon or mitigate any punishment which such court may adjudge.

ART. 113. Every judge-advocate, or person acting as such, at any general court-martial, shall, with as much expedition as the opportunity of time and distance of place may admit, forward the original proceedings and sentence of such court to the Judge-Advocate-General of the Army, in whose office they shall be carefully preserved.

ART. 114. Every party tried by a general court-martial shall, upon demand thereof, made by himself or by any person in his behalf, be entitled to a copy of the proceedings and sentence of such court.

ART. 115. A court of inquiry, to examine into the nature of any transaction of, or accusation or imputation against, any officer or soldier, may be ordered by the President or by any commanding officer; but, as courts of inquiry may be perverted to dishonorable purposes, and may be employed, in the hands of weak and envious commandants, as engines for the destruction of military merit, they shall never be ordered by any commanding officer, except upon a demand by the officer or soldier whose conduct is to be inquired of.

ART. 116. A court of inquiry shall consist of one or more officers, not exceeding three, and a recorder, to reduce the proceedings and evidence to writing.

ART. 117. The recorder of a court of inquiry shall administer to the members the following oath: "You shall well and truly examine and inquire, according to the evidence, into the matter now before you, without partiality, favor, affection, prejudice, or hope of reward: so help you God." After which the president of the court shall administer to the recorder the following oath: "You, A B, do swear that you will, according to your best abilities, accurately and impartially record the proceedings of the court and the evidence to be given in the case in hearing: so help you God."

ART. 118. A court of inquiry, and the recorder thereof, shall have the same power to summon and examine witnesses as is given to courts-martial and the judge-advocates thereof. Such witnesses shall take the same oath which is taken by witnesses before courts-martial, and the party accused shall be permitted to examine and cross-examine them, so as fully to investigate the circumstances in question.

ART. 119. A court of inquiry shall not give an opinion on the merits of the case inquired of unless specially ordered to do so.

ART. 120. The proceedings of a court of inquiry must be authenticated by the signatures of the recorder and the president thereof, and delivered to the commanding officer.

ART. 121. The proceedings of a court of inquiry may be admitted as evidence by a court-martial, in cases not capital, nor extending to the dismissal of an officer: *Provided*, That the circumstances are such that oral testimony cannot be obtained.

ART. 122. If, upon marches, guards, or in quarters, different corps of the Army happen to join or do duty together, the officer highest in rank of the line of the Army, Marine Corps, or militia, by commission, there on duty or in quarters, shall command the whole, and give orders for what is needful to the service, unless otherwise specially directed by the President, according to the nature of the case.

ART. 123. In all matters relating to the rank, duties, and rights of officers, the same rules and regulations shall apply to officers of the Regular Army and to volunteers commissioned in, or mustered into said service, under the laws of the United States, for a limited period.

ART. 124. Officers of the militia of the several States, when called into the service of the United States, shall on all detachments, courts-martial, and other duty wherein they may be employed in conjunction with the reg-

ular or volunteer forces of the United States, take rank next after all officers of the like grade in said regular or volunteer forces, notwithstanding the commissions of such militia officers may be older than the commissions of the said officers of the regular or volunteer forces of the United States.

ART. 125. In case of the death of any officer, the major of his regiment, or the officer doing the major's duty, or the second officer in command at any post or garrison, as the case may be, shall immediately secure all his effects then in camp or quarters, and shall make, and transmit to the office of the Department of War, an inventory thereof.

ART. 126. In case of the death of any soldier, the commanding officer of his troop, battery, or company shall immediately secure all his effects then in camp or quarters, and shall, in the presence of two other officers, make an inventory thereof, which he shall transmit to the office of the Department of War.

ART. 127. Officers charged with the care of the effects of deceased officers or soldiers shall account for and deliver the same, or the proceeds thereof, to the legal representatives of such deceased officers or soldiers. And no officer so charged shall be permitted to quit the regiment or post until he has deposited in the hands of the commanding officer all the effects of such deceased officers or soldiers not so accounted for and delivered.

ART. 128. The foregoing articles shall be read and published, once in every six months, to every garrison, regiment, troop, or company in the service of the United States, and shall be duly observed and obeyed by all officers and soldiers in said service.

SEC. 1343, Revised Statutes. All persons who, in time of war, or of rebellion against the supreme authority of the United States, shall be found lurking or acting as spies, in or about any of the fortifications, posts, quarters, or encampments of any of the armies of the United States, or elsewhere, shall be triable by a general court-martial, or by a military commission, and shall, on conviction thereof, suffer death.

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APPENDIX

TO

ARMY REGULATIONS

EDITION OF 1895

SHOWING CHANGES TO JANUARY 1, 1901.

APPENDIX.

SHOWING CHANGES MADE IN THE ARMY REGULATIONS, BY GENERAL ORDERS AND CIRCULARS FROM THE ADJUTANT-GENERAL'S OFFICE, SINCE THEIR PUBLICATION TO JANUARY 1, 1901.

CHANGES IN THE ARMY REGULATIONS SINCE PUBLICATION TO JANUARY 1, 1901.

GENERAL ORDERS, No. 18.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, March 30, 1895.

By direction of the Secretary of War, the following is published for the information and guidance of all concerned:

Department commanders will inspect the troops under their command at least once each year, and for this purpose they will be accompanied by one officer of the personal or department staff serving at their respective headquarters. They will assure themselves by personal examination and observation that all officers and men under their control are efficient in the performance of duty; that the troops are thoroughly drilled and instructed in their field duties and tactical exercises; that supplies are properly distributed; that proper care is exercised in the purchase and preservation of public property, and that strict economy is exercised in all public expenditures. In their annual reports, department commanders will summarize the results of these inspections.

Inspection districts are hereby established to be designated as follows:

The North Atlantic, the South Atlantic, the Middle, the Northern, the Southern, and the Pacific. The limits of the several districts will be designated in special instructions to be given hereafter.

Colonel Robert P. Hughes, inspector-general, is assigned to the North Atlantic district, and will take station in New York City.

Colonel George H. Burton, inspector-general, is assigned to the Pacific district, and will take station in San Francisco, California.

Lieutenant-Colonel Henry W. Lawton, inspector-general, is assigned to the Southern district, and will take station in Santa Fe, New Mexico.

Lieutenant-Colonel Peter D. Vroom, inspector-general, is assigned to the Middle district, and will take station in Chicago, Illinois.

Major Joseph P. Sanger and Major E. A. Garlington, inspectors-general, are assigned to the South Atlantic district, and will take station in Washington, District of Columbia; they will also act as assistants to the Inspector-General of the Army.

Major Francis Moore, 5th Cavalry, is assigned to the Northern district as acting inspector-general, and will take station in Denver, Colorado.

With the exception of Colonel Burton, these officers will be relieved from their present duties in season to join their new stations on the 30th of April, 1895.

Colonel Burton will be relieved from his present duties on April 30, 1895, and will join his new station not later than May 31, 1895.

The travel enjoined is necessary for the public service.

The Quartermaster's Department will provide the necessary office rooms, furniture, and stationery.

Inspectors-general and acting inspectors-general will exercise a comprehensive and general observation within their respective districts over all that pertains to the efficiency of the Army, the condition and state of supplies of all kinds, of arms and equipments, of the expenditure of public property and moneys, and the condition of accounts of all disbursing officers of every branch of the service, of the conduct, discipline, and efficiency of officers and troops, and report with strict impartiality in regard to all irregularities that may be discovered. From time to time they will make such suggestions as may appear to them practicable for the cure of any defect that may come under their observation.

All military posts and important detachments therefrom, all depots of supplies, and all arsenals, armories, and other ordnance establishments will be inspected annually.

The inspection of accounts of disbursing officers will be directed from time to time in instructions from the War Department.

Unless otherwise specially ordered, national cemeteries and ungarrisoned posts will be inspected once in two years, and this only when the visits can be made without materially increasing the work and travel of district inspectors-general.

This order will take effect on April 30, 1895. (*A. R.*, *857*.)

GENERAL ORDERS, No. 58.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, November 13, 1895.

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II. By direction of the Secretary of War, such of the lyceum reports on professional subjects, prepared under section 3, Paragraph II, of General Orders, No. 80, October 5, 1891, from this office, as may, for the dissemination of information, be deemed specially valuable by department commanders, will, upon the consent of the authors, be forwarded to the Adjutant-General of the Army with the view to publication by the military information division. (*A. R.*, *230*.)

GENERAL ORDERS, No. 4.

HEADQUARTERS OF THE ARMY.
ADJUTANT-GENERAL'S OFFICE,
Washington, February 5, 1896.

I. By direction of the Secretary of War, the following is published for the information of the Army:

Proficiency, under paragraph 1544 of Army Regulations, will be attained when the officers and men under instruction shall be able to send and receive by flag and torch at the rate of five words per minute, and by heliograph and lantern at the rate of eight words per minute, with the minimum distance between stations of 5 miles; every five letters of the written messages to be counted as a word,

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GENERAL ORDERS, No. 8.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, March 6, 1896.

By direction of the Secretary of War, the following letter of the Comptroller of the Treasury is published to the Army for the information of all concerned:

TREASURY DEPARTMENT,
OFFICE OF COMPTROLLER OF THE TREASURY,
Washington, D. C., February 17, 1896.

To Disbursing Officers and other Officers and Agents of the Government:

The observance and enforcement of the following regulations will hereafter be required of the disbursing officers and other officers and agents of the Government. A strict compliance therewith will obviate the necessity of disallowances and suspensions in the settlement of their accounts:

1. The statutes of the United States require that the compensation for messages sent at Government expense over telegraph lines constructed in connection with Pacific railroads, to which bonds have been issued by the United States in aid of their construction, shall be withheld by the Secretary of the Treasury and applied in payment of the subsidy bonds and interest. In order that these provisions of law may be complied with, the accounts of the respective telegraph companies for Government messages sent over bond-aided or subsidized lines must be transmitted to the Treasury Department for settlement, and not be paid by disbursing officers or by any other officers or agents of the Government.

2. Officers or agents of the Government, in sending messages on Government business, are instructed to use the bond-aided or subsidized telegraph lines, whenever practicable to do so, in preference to other lines which are not subject to the same conditions.

3. Messages originating on a bond-aided line and directed to a point on a bond-aided line must be sent over the aided line or lines.

4. Messages originating on a bond-aided line and directed to a point near an aided line should be sent over the aided line in cases where the larger part of the service would be over aided lines.

5. Messages originally filed with a nonaided company which has a through line to the point of destination may be transmitted to destination without transfer to any other line. If the company has no through line and transfer is necessary, the transfer must be to a bond-aided line whenever practicable, and at the nearest point of contact with the aided line. In such cases the officer sending the message must indorse thereon the request that it be sent over the bond-aided line; but a failure to make such indorsement shall not be construed as giving the company the right of selection and discrimination against bond-aided lines.

6. When a message is filed with a bond-aided company, whose operator is also serving a nonaided company, the message must be written on a blank furnished by the former company.

7. Where the entire service is over bond-aided or subsidized telegraph lines, no payment to the telegraph companies must be made by the officer or agent of the Government who sends the message or by any disbursing officer. In such case the officer or agent sending the message is not charged with any duty respecting the payment thereof, except to inform the agent or operator of the telegraph company who receives the message that it is the duty of the company under the law to transmit the same, and to present its account therefor to the proper Department of the Government, to be approved by the head of such Department, under the proper appropriation, and forwarded to the accounting officers of the Treasury for settlement in accordance with the requirements of the law. Such accounts should be forwarded by the respective telegraph companies, through their usual channels, to that Department of the Government with which the officers or agents sending the respective messages are connected. For example: An account for messages sent by officers of the Interior Department should be transmitted to that Department, to be approved and forwarded to the accounting officers of the Treasury for settlement; an account for messages sent by officers of the Department of Justice should be forwarded in like manner to that Department, or an account for messages sent by officers of the Treasury Department should be transmitted to the Secretary of the Treasury.

8. Where the service is continuous and entire over lines partly subsidized and partly not, or over connecting lines one of which is subsidized and the other not, but one account for the entire service should be rendered by the telegraph company which receives and transmits the message, showing the respective amounts claimed for aided and nonaided service. Such account is not to be paid by any disbursing officer or by the officer or agent sending the mes-

sage, but must be forwarded by the telegraph company to the proper Department of the Government in the manner already indicated, and in the settlement thereof by the accounting officers the amount found due and payable in money for nonaided service will be certified for payment to the telegraph company, and the amount found due for service over the bond-aided lines will be applied as required by law.

9. Whenever practicable, prepayment should not be made on messages sent to and from Washington, D. C., but accounts for the same should be sent through the proper channels to the Treasury Department for payment; provided that this shall not apply to officers required to pay the expense of telegraphing from the emoluments of their offices.

For the information and guidance of all concerned is subjoined a list descriptive of the bonded Pacific railroads in connection with which bond-aided or subsidized telegraph lines have been constructed and a reference to the several acts of Congress relating thereto.

R. B. BOWLER, *Comptroller.*

Approved.

J. G. CARLISLE,
Secretary of the Treasury.

List of bonded Pacific railroads in connection with which subsidized telegraph lines have been constructed.

	Miles.
Union Pacific Railway: From Bridge Junction, Omaha, Nebr., to Utah Central Crossing, Ogden, Utah	1,029.49
Union Pacific Railway (Kansas Division): From Kansas City, Mo., to a point on the railroad between Monument and Gopher stations	393.94
Central Pacific Railroad (operated by Southern Pacific Company):	
From Ogden Station, Ogden, Utah, to Sacramento, Cal	742.61
From Brighton, Cal., to Niles, Cal	103.83
From Niles, Cal., to San Jose, Cal	17.54
Sioux City and Pacific Railroad: From Sioux City, Iowa, via California Junction, to Fremont, Nebr	101.77
Missouri Pacific Railway Company (Central Branch Union Pacific Railroad): From Atchison, Kans., to Waterville, Kans	100.00

Acts of Congress relating to bond-aided Pacific railroads.

Act July 1, 1862, 12 Stats., 489.
Act July 2, 1864, 13 Stats., 356.
Act March 3, 1865, 13 Stats., 504.
Joint resolution May 7, 1866, 14 Stats., 355.
Joint resolution May 21, 1866, 14 Stats., 356.
Act July 3, 1866, 14 Stats., 79.
Joint resolution July 26, 1866, 14 Stats., 367.
Act March 6, 1868, 15 Stats., 39.
Act March 3, 1869, 15 Stats., 324.
Joint resolution March 3, 1869, 15 Stats., 348.
Joint resolution April 10, 1869, 16 Stats., 56.
Act May 6, 1870, 16 Stats., 121.
Act March 3, 1873, 17 Stats., 508.
Act June 20, 1874, 18 Stats., 111.
Act May 7, 1878, 20 Stats., 56.
Act March 3, 1879, 20 Stats., 420.
Act August 7, 1888, 25 Stats., 382.
(*A. R. 1208.*)

GENERAL ORDERS, No. 9.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, March 13, 1896.

By direction of the Secretary of War, the special instruction in the duties of litter bearers and the method of rendering first aid to the sick and

wounded, directed in paragraph 1418, Army Regulations, will hereafter be given to all enlisted men of the Army by their company officers for at least four hours in each month. Company commanders will be supplied from the Surgeon-General's Office with the Drill Regulations for the Hospital Corps; and the surgeon of the post, under direction of the post commander, will thoroughly instruct such captains as may volunteer therefor and all lieutenants serving with troops in the professional knowledge required.

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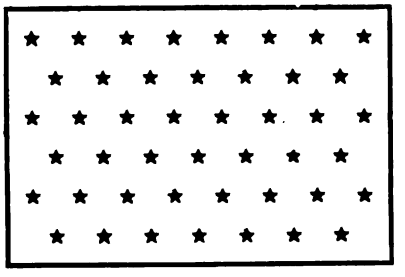
GENERAL ORDERS, No. 10.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, March 18, 1896.

The following order has been received from the War Department:

WAR DEPARTMENT, *Washington, March 17, 1896.*

The field or union of the National Flag in use in the Army will, on and after July 4, 1896, consist of forty-five stars, in six rows, the first, third, and fifth rows to have eight stars, and the second, fourth, and sixth rows seven stars each, in a blue field, arranged as follows:



DANIEL S. LAMONT,
Secretary of War.

(*A. R. 212.*)

GENERAL ORDERS, No. 11.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, March 19, 1896.

By direction of the Assistant Secretary of War, the following is published to the Army for the information and guidance of all concerned:

To the end that the muster and pay rolls for March, 1896, may be so prepared that paymasters shall be able to determine the rate of pay to which each soldier is entitled under the act making appropriations for the support of the Army for the fiscal year 1897, officers intrusted with the preparation of such rolls will note against the name of each soldier who has not completed five years' service the remark, "3d year expires on ———, 189—;" "4th year expires on ———, 189—;" "5th year expires," as the case may be. Such remark will appear on each subsequent roll.

This will be necessary for the reason that many soldiers have had two, three, or four years' prior service, and are now serving in the third, fourth, or fifth year of continuous service, and are entitled under the act to the pay heretofore retained, yet would appear, in the absence of information to the contrary, to be serving only in the first year of first enlistment. (*A. R., 784, 1365, 1367.*)

GENERAL ORDERS, No. 12.

HEADQUARTERS OF THE ARMY, ADJUTANT-GENERAL'S OFFICE, *Washington, March 20, 1896.*

The following act of Congress is published for the information and government of all concerned:

AN ACT Making appropriations for the support of the Army for the fiscal year ending June thirtieth, eighteen hundred and ninety-seven.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the support of the Army for the year ending June thirtieth, eighteen hundred and ninety-seven:

* * * * * * *

FOR PAY OF ENLISTED MEN.

For pay proper of enlisted men of all grades, four million two hundred and sixty-five thousand dollars: *Provided*, That hereafter no pay shall be retained, but this provision shall not apply to deductions authorized on account of the Soldiers' Home. (*A. R., 1365 and 1369.*)

For pay of Hospital Corps, two hundred and six thousand two hundred and eighty dollars.

For service pay of enlisted men, including Hospital Corps, by reason of length of service, in addition to their monthly pay, and payable therewith, four hundred and fifty-one thousand dollars: *Provided*, That there shall be no appointments of hospital stewards until the number of hospital stewards shall be reduced below one hundred, and thereafter the number of such officers shall not exceed one hundred. (*A. R., 1397.*)

* * * * * * *

RETIRED ENLISTED MEN.

For pay of the enlisted men of the Army on the retired list, three hundred and eighty-six thousand two hundred and eighty-seven dollars and twenty-five cents: *Provided*, That hereafter a monthly allowance of nine dollars and fifty cents be granted in lieu of the allowance for subsistence and clothing. (*A. R., 138.*)

MISCELLANEOUS.

* * * * * * *

For allowance for travel, retained and detained pay, clothing not drawn, and for interest on deposits payable to enlisted men on discharge, seven hundred thousand dollars: *Provided*, That no enlisted man discharged by order of the Secretary of War for disability caused by his own misconduct shall be entitled to the travel allowances provided for in section twelve hundred and ninety of the Revised Statutes. (*A. R., 1369.*)

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GENERAL ORDERS, No. 17.

HEADQUARTERS OF THE ARMY, ADJUTANT-GENERAL'S OFFICE, *Washington, April 22, 1896.*

In response to an inquiry of the War Department, addressed to the Comptroller of the Treasury, whether, under his decision of February 17, 1896, as published in General Orders, No. 8, of 1896, from this office, disbursing officers of the Army shall hereafter pay telegraph companies for messages which pass over lines constructed and operated along the bond-aided Pacific railroads, or whether the requirements of existing Army Regulations (Par. 1208), that such accounts be submitted to the accounting officers of the Treasury for adjudication and settlement shall continue to operate, the Comptroller, April 8, 1896, referring to recent decisions of the Supreme Court of the United States (160 U. S., 1 and 53), states:

In the first decision the court held that the leases of its lines by the Union Pacific Railroad Company to the Western Union Telegraph Company were void, and the United States, by judicial proceedings, could compel the cancellation of said agreements.

In the second decision the court said that, "Although the United States was entitled to

retain and apply, as directed by Congress, all sums due from the Government, on account of the use by the telegraph company, for public business, of the telegraph line constructed by the railway company, the entire absence of proof as to the extent to which that line was, in fact, so used, renders it impossible to ascertain the amount improperly paid to, and without right retained by, the telegraph company, and subsequently divided between it and the railroad company. Upon this ground, we adjudge that the court below did not err in directing a verdict for the defendants."

The substance of this decision is, that when the messages are so sent, and accounts so kept, as to render it impossible to ascertain the extent to which the railroad lines are used, the telegraph company receiving the messages without direction as to their transmission over the railroad lines, is entitled to payment on the presumption that only the lines owned by it were used for the service.

It was in recognition of this principle announced by the court that Circular No. 27 of 1896 was issued. There is nothing in that circular which gives a telegraph company, in the first instance, the option of deciding how a message shall be transmitted. That option belongs to the officers of the Government whenever they choose to exercise it; but if the right be not exercised, and a message is delivered to a nonaided telegraph company having a through line to the point of destination, *and no direction is given as to how it shall be transmitted*, and the service is rendered (the company being no longer lessee of the bond-aided lines), it is to be presumed, as a fact, that only the lines owned by the telegraph company were used in the service. The mere fact that the nonaided lines are strung along the route of the aided railroads, is not, of itself, sufficient to give the Government the benefit of aided-line service, unless said aided lines were actually used, *or directions given for their use.*

The Government has the first right or option in the choice of lines, but if it fails to exercise it, such failure will be considered as a waiver of the right, giving to the nonaided company the right to select the route over which the service shall be rendered.

I do not understand that the Western Union Telegraph Company contends that the circular in question gives them the right to disregard the instructions of the sender of the message, their contention being that, *when no directions are given*, they have the right to send the message over lines owned by them, and claim pay for the service, because the presumption, amounting almost to a certainty, is that only nonaided lines were used.

The second clause of paragraph 5 of Circular No. 27 relates to a case where a message is filed with a nonaided company which has no through line *of its own* to the point of destination, and transfer is, *in fact*, necessary to enable the message to reach its destination. In such a case the company would be expected to transfer to an aided line, whenever practicable, and at the nearest point of contact with the aided line. This was not intended to require the nonaided company, *in the absence of directions of the sender*, to transfer to an aided line when said nonaided company has a through line of its own to ultimate destination. If it be desired to obtain the benefit of aided-line service in all possible cases, the proper directions must be given at the time the messages are filed for transmission. If no directions are given, and a transfer is *not*, in fact, necessary, no presumption will arise that the lines of the aided companies were used.

The circular in question, reasonably construed, contains nothing in derogation of the authority of the head of any department to make regulations for the guidance of its own officers in the transmission of telegrams; it merely attempts to point out the law and the course to be pursued to obtain the benefit of aided-line service, and the evidence required in the settlement of the accounts for telegraphic service. The time to decide what lines shall be used is when the message is filed for transmission, and not after the service has been rendered. The responsibility for this decision rests upon the sender of the message, acting under instructions from his superior officers.

The *unsettled* accounts for past telegraphic services are now being settled in accordance with the principles laid down by the Supreme Court in the case of United States *v.* Western Union Telegraph Company and Union Pacific Railway Company (160 U S 53). As the Western Union Telegraph Company can no longer be the lessee of the bond-aided lines, telegrams delivered to it would have to be transferred to the lines of the aided companies, if the benefit of aided-lines service be desired, thus causing delay and, in many cases, increased expense. In order to avoid this complication, and to inform disbursing officers of the changed conditions arising from the decisions of the Supreme Court above referred to, the circular was issued.

In view of this decision, exception 1 of paragraph 1208 of the Regulations in regard to the settlement of "Accounts for telegrams which pass over any of the lines constructed and operated along the bond-aided Pacific railroads" is, by direction of the Acting Secretary of War, revoked.

GENERAL ORDERS, No. 20.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, May 22, 1896.

By direction of the Secretary of War, General Orders, No. 12, March 5, 1888, from this office, is revoked, and the following orders are published for the information and guidance of all concerned:

On the 30th of June of every year, each officer in charge of a post or regimental library will forward, through regular channels, to the Adjutant-General of the Army, a return of all books on hand in or pertaining thereto. Such books as are now required by regulations to be accounted for on property returns and muster rolls shall not be included in the library returns.

Post and regimental commanders will examine the returns and certify thereon that the books in the library are accounted for as required by orders and regulations.

Adjutants-general of departments will, on June 30th of each year, render to the Adjutant-General like returns of all library books on hand in their charge at the respective department headquarters. These returns will be in addition to the property returns required to be made by them under paragraph 197 of the Regulations.

When library books are damaged or lost the fact will be reported to the commanding officer by the librarian, and the person responsible for the loss or damage will be required to replace the book by a new copy or to pay its value in money to the librarian to enable him to procure one.

Valuable books pertaining to a post library which have become unserviceable by fair wear and tear will, when practicable, be repaired, and the cost of repair will be a proper charge against the funds of the post exchange set aside as "Distribution of Profits" by paragraph 17 (*b*) of General Orders, No. 46, July 25, 1895, from this office.

Books received from the War Department will be promptly acknowledged to the issuing officer and to the Adjutant-General, and, together with all library books received from other sources, will be taken up on the return.

Inspectors-general will, at the annual inspection of posts, examine the methods adopted for the care and preservation of the library, condemn and destroy such books as may be unserviceable and worthless, and note action in their reports of the inspections of the posts.

The necessary orders for the disposition of the books on hand when a post is abandoned or discontinued will be given by the War Department.

The necessary blank forms for return of books will be furnished by the Adjutant-General of the Army, and the returns will be made in accordance with the directions printed upon the blanks. (*A. R., 197 and 311.*)

GENERAL ORDERS, No. 23.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, June 13, 1896.

By direction of the Acting Secretary of War, the following is published to the Army for the information and guidance of all concerned:

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3. HORSE AND MULE SHOES, ETC.—Paragraph 1068, A. R. of 1895, the action of which was suspended under authority of the Secretary of War, becomes operative on July 1, 1896, and requisitions for the stores therein

mentioned will, from that date, be filled by the Quartermaster's Department, instead of by the Ordnance Department, as heretofore.

Officers accountable for these stores will, on June 30, drop the same from their ordnance returns and transfer them to the Quartermaster's Department. The smith's tools for the forges and battery wagons of light batteries (and for the cavalry forges for field service) will still be borne on the ordnance returns, and that department will continue to make issues to maintain that equipment in condition for field service, but the smith's tools in current use at posts in the permanent blacksmith shop will be supplied by the Quartermaster's Department.

4. CAVALRY BIT.—A larger size cavalry bit, to be called No. 4, and to be 5¼ inches wide between bars, will hereafter be issued to the cavalry on requisitions. If sizes required are not specified in requisitions, bits will be issued in the same proportions of the different sizes as heretofore. (A. R., 1068.)

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GENERAL ORDERS, No. 24.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, June 19, 1896.

By direction of the Acting Secretary of War, the following agreement, providing for the reciprocal crossing of the international boundary line by the troops of the United States and the Republic of Mexico in pursuit of hostile Indians, is published for the information and government of all concerned:

AGREEMENT

BETWEEN RICHARD OLNEY, SECRETARY OF STATE OF THE UNITED STATES OF AMERICA, AND MATIAS ROMERO, ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY OF THE UNITED MEXICAN STATES.

Signed at Washington, June 4, 1896.

Agreement entered into in behalf of their respective Governments by Richard Olney, Secretary of State of the United States of America, and Matias Romero, Envoy Extraordinary and Minister Plenipotentiary of the United Mexican States, providing for the reciprocal crossing of the international boundary line by the troops of their respective governments, in pursuit of Kid's band of hostile Indians, on the conditions hereinafter stated.

ARTICLE I.

It is agreed that the regular federal troops of the two Republics may reciprocally cross the boundary line of the two countries when they are in close pursuit of Kid's band of hostile Indians on the conditions stated in the following articles.

ARTICLE II.

It is understood for the purpose of this agreement, that no Indian scout of the Government of the United States of America shall

Convenio celebrado en nombre de sus respectivos Gobiernos por el Señor Richard Olney, Secretario de Estado de los Estados Unidos de América, y el Señor Don Matias Romero, Enviado Extraordinario y Ministro Plenipotenciario de los Estados Unidos Mexicanos, autorizando el paso reciproco provisional de la linea divisoria internacional, de tropas de sus respectivos Gobiernos, en persecución de la banda de Indios sublevados de Kid, bajo las restricciones que en seguida se expresan:

ARTÍCULO I.

Se conviene en que las tropas federales regulares de las dos Repúblicas pasen recíprocamente la linea divisoria entre los dos paises cuando vayan persiguiendo de cerca la banda de Indios sublevados de Kid con arreglo á las condiciones que se expresan en los articulos siguientes:

ARTÍCULO II.

Para los efectos de este convenio queda entendido que no se permitirá á ningún explorador indio (scout) del Gobierno de los

be allowed to cross the boundary line, unless he goes as a guide and trailer, unarmed and with the proviso that, in no case, more than two scouts shall attend each Company or detachment.

ARTICLE III.

The reciprocal crossing agreed upon in Article I shall only take place in the uninhabited or desert parts of said boundary line. For the purposes of this agreement the uninhabited or desert parts are defined to be all points that are at least ten kilometers distant from any encampment or town of either country.

ARTICLE IV.

No crossing of troops of either country shall take place from Capitán Leal, a town on the Mexican side of the Rio Grande, eighty-four kilometers (52 English miles) above Piedras Negras, to the mouth of the Rio Grande.

ARTICLE V.

The Commander of troops crossing the frontier in pursuit of Indians, shall, at the time of crossing, or before if possible, give notice of his march to the nearest military commander, or civil authority, of the country whose territory he is about to enter.

ARTICLE VI.

The pursuing force shall retire to its own territory as soon as it shall have chastised Kid's band of hostile Indians, or have lost its trail; but if, during the pursuit of that band, it shall meet with other hostile Indians, it may chastise them as if those first named were concerned. In no case shall the forces of the two countries, respectively, establish themselves or remain in the foreign territory for any time longer than is necessary to enable them to pursue the band whose trail they are following.

The temporary loss of the trail, owing to rain or any other accident, shall not be deemed sufficient cause for abandoning the pursuit or for withdrawing the pursuing force, when there is a reasonable prospect of soon finding the trail again by means of a continued movement.

ARTICLE VII.

Any abuses that may be committed by the forces crossing into the territory of the other nation, shall be punished by the Government to which such forces belong, according to the gravity of the offence and in conformity with its laws, as if the abuses had been committed in its own territory, the said Government being further under obligation to withdraw the guilty parties from the frontier.

Estados Unidos de América cruzar la linea divisoria, á no ser que vaya sin armas y como guía y práctico en las huellas, y en el concepto de que en ningún caso acompañarán más de dos indios exploradores (scouts) á cada compañía ó cada destacamento.

ARTÍCULO III.

El paso recíproco convenido en el artículo I no podrá hacerse sino por la parte despoblada y desierta de dicha línea divisoria. Para los efectos de este convenio se entienden por partes despobladas ó desiertas todos aquellos puntos distantes por lo menos diez kilómetros de cualquier campamento ó población de ambos países.

ARTÍCULO IV.

El paso de tropas de uno ú otro país no podrá tener lugar desde Capitán Leal, población en el lado mexicano del Río Bravo á ochenta y cuatro kilómetros (52 millas inglesas) río arriba de Piedras Negras, hasta la embocadura del Río Bravo del Norte.

ARTÍCULO V.

El Jefe de las fuerzas que pasen la frontera en persecución de Indios, deberá, al cruzar la línea divisoria ó antes si fuere posible, dar aviso de su marcha al Jefe militar ó ál a autoridad civil más próxima del país á cuyo territorio va á entrar.

ARTÍCULO VI.

La fuerza perseguidora se retirará á su país tan luego como haya batido á la banda de indios sublevados de Kid ó perdido su huella; pero si durante la persecución de esta banda encontrare otros indios sublevados, podrá batirlos como si se tratara de aquéllos. En ningún caso podrán las fuerzas de los dos países, respectivamente, establecerse en territorio extranjero, ni permanecer en él más tiempo que el necesario para hacer la persecución de la partida cuya huella sigan.

La interrupción temporal de la huella, por la lluvia ú otro accidente, no debe ser motivo para abandonar la persecución ni para retirar la fuerza perseguidora, cuando haya una perspectiva racional de volver á encontrar pronto esa huella por medio de un movimiento continuado.

ARTÍCULO VII.

Los abusos que cometan las fuerzas que pasen al territorio de la otra nación, serán castigados, según la gravedad de la ofensa y con arreglo á sus leyes, por el Gobierno de quien dependan, como si fuesen cometidos en su propio territorio, quedando siempre obligado el mismo Gobierno á retirar de la frontera á los culpables.

ARTICLE VIII.

In the case of offences committed by the inhabitants of one country against the force of the other that may be within the limits of the former, the Government of said country shall only be responsible to the Government of the other for denial of justice in the punishment of the guilty parties.

ARTICULO VIII.

En los casos de delitos cometidos por los habitantes de un país contra la fuerza del otro que esté dentro de los límites del primero, el Gobierno de este país solo es responsable para con el otro Gobierno por denegación de justicia en el castigo de los culpables.

ARTICLE IX.

This provisional agreement shall remain in force until Kid's band of hostile Indians shall be wholly exterminated or rendered obedient to one of the two Governments.

ARTÍCULO IX.

Este Convenio provisional permanecerá en vigor mientras la banda de indios sublevados de Kid no fuere completamente exterminada ó reducida á la obediencia de uno de los dos Gobiernos.

ARTICLE X.

The Senate of the United Mexican States having authorized the President to conclude this agreement, it shall take effect immediately.

In testimony whereof we have signed this agreement this 4th day of June, 1896.

ARTÍCULO X.

Habiendo el Senado de los Estados Unidos Mexicanos autorizado al Presidente para celebrar este Convenio, comenzará á tener efecto desde esta fecha.

En testimonio de lo cual hemos firmado este Convenio el 4 de Junio, de 1896.

RICHARD OLNEY.
M. ROMERO.

(*A. R.*, *474*.)

GENERAL ORDERS, No. 31.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, July 31, 1896.

With a view to elaboration in detail of the provisions of the Regulations in regard to the payment of enlisted men (A. R., 1348–1364, 1895), the Acting Secretary of War gives the following additional instructions:

The paymaster will personally place in each envelope the exact amount of money due the soldier, seal the same, see that the name of the soldier and amount inclosed is marked on the envelope, and that the individual checks and the sealed envelopes are inclosed in one sealed package, upon the outside of which will be indorsed:

1. Name of the organization.
2. Number of checks inclosed.
3. Number of sealed envelopes inclosed.
4. Total amount of pay due and remitted, less deposits, $———.
   (*a*) By check..... $———.
   (*b*) By currency..... $———.
5. Signature of the paymaster.

All the packages containing checks and sealed envelopes for the several organizations, completed and indorsed as above, will be made up into one parcel and sealed by the paymaster. Upon the outside will be marked the name and address of the post or other command and the names of the subordinate organizations for which pay is therein remitted, and the paymaster will append thereto his signature.

The consolidated package thus marked and addressed to the commanding officer will be turned over to the quartermaster, who will forward the same by express to its destination.

The following are specimen indorsements:

FOR THE COMMANDING OFFICER,
FORT LEAVENWORTH, KANS.

Contents of this package:

The pay, less deposits, due for month of September, 1896, for—

N. C. O. and band,	20th	Infantry.
Co. A,	"	"
" B,	"	"
" C,	"	"
" D,	"	"
" E,	"	"
" F,	"	"
" G,	"	"
" H,	"	"
Troop A,	6th	Cavalry.
" B,	"	"
" C,	"	"
" D,	"	"

Hospital Corps Detachment.
Post N. C. Staff.

In making up the contents of this package the provisions of G. O., 31, A. G. O., July 31, 1896, have been complied with.

JOHN SMITH,
Major and Paymaster.

Pay for Troop F, 8th Cavalry, September, 1896.

Contents:

43 sealed envelopes	$1,000.00
17 checks	563.18
60 remittances	1,563.18

JOHN SMITH,
Major and Paymaster.

Private Joseph Thompson, Co. A, 20th Infantry.

Contents:

$14.75 in currency.

When the express package is received at the post, it will be opened in the presence of the commanding officer, who will observe the condition of the seals, the number of company and detachment packages, and that the marking upon them conforms to these instructions. The separate sealed packages containing the pay for the several companies or detachments will then be delivered to the officer designated by the commanding officer to distribute the pay, and this distribution will be made as soon as practicable thereafter.

When a company or detachment is paraded for pay, the company commander will attend, and in his presence the packages containing the pay for that company will be opened by the officer designated to distribute it.

The number of checks in the package and the number of sealed envelopes, purporting to contain the pay of individual soldiers, will be counted, and the agreement of this number with the record made by the paymaster upon the wrapper will be verified by both officers, and the amount marked on the sealed envelope as the pay due each man will be verified by comparison with the pay roll before the distribution begins.

As each man's name is called the check drawn to his order will be given to him by the officer designated to make the payment, or the envelope bearing the man's name will be opened, its contents verified by comparison with marks on the envelope or with the muster roll, and the money handed to the soldier by said officer all in presence and under the personal observation of the company commander.

In case of error or informality, a statement of the facts as found to exist will be immediately indorsed upon the envelope or the wrapper, as the case may be, and the officers present will certify to the correctness of the statement, and lay the same before the commanding officer.

The copy of the muster and pay roll of each organization, which the paymaster is required by paragraph 1352 of the regulations to return to the post, will be reforwarded to the paymaster by the commanding officer with the least practicable delay after the payment is completed. (*A. R., 1348 to 1364.*)

GENERAL ORDERS, No. 32.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, August 1, 1896.

* * * * * * *

II. By direction of the Secretary of War, the following is published for the information and guidance of all concerned:

1. The report of a joint Army and Navy board appointed to investigate the subject of signal codes having been approved, the Myer code in use by the Army prior to 1886, as modified by the above-mentioned board, will, on and after October 1, 1896, be used for visual signaling in the Army and for intercommunication with the Navy. The use of the American Morse Code, as prescribed in General Orders, No. 59, June 28, 1889, from this office, will thereafter be discontinued, except for telegraphic purposes.

2. The proficiency required by paragraph 1544, Army Regulations, will be considered to have been attained by an officer or enlisted man under instruction when at a distance of 4 miles from the connecting station he can send and receive five words per minute, each five letters of the written message to count as one word. Paragraph 1, General Orders, No. 4, February 5, 1896, from this office, is modified accordingly.

3. Cards and pamphlets containing full instructions for using the code will be furnished by the Chief Signal Officer of the Army upon application. (*A. R., 1544.*)

GENERAL ORDERS, No. 37.

HEADQUARTERS OF THE ARMY,
ADJUTANT GENERAL'S OFFICE,
Washington, August 13, 1896.

I. By direction of the Acting Secretary of War, paragraphs 530, 553, 641, 642, and 643 of the regulations are amended to read as follows:

530. A proposal by a person who affixes to his signature the word "president," "secretary," "agent," or other designation, without disclosing his principal, is the proposal of the individual. That by a corporation should be signed with the name of the corporation, followed by the signature of the president, secretary, or other person authorized to bind it in the matter. That by a firm should be signed with the firm name by one of the members of the firm. If the signature is that of an officer, attorney, or agent of a corporation, or of an attorney or agent of a firm or individual, and his authority to act on behalf of his principal is not a matter of general notoriety in the locality where the proposals are opened, the officer who opens proposals should, before considering the proposal, satisfy himself that the signer is vested with sufficient authority to represent his principal in the transaction.

553. A contract of a corporation should have the name of a corporation written in the body of the instrument as one of the parties thereto, and should be signed by the officer or person who has been authorized to contract in its behalf, who should sign the corporate name and his own, and affix the corporate seal if there be one. The contracting officer will, in all cases, satisfy himself that the signer has authority to bind the corporation, and will either require from him satisfactory evidence thereof, and file the same with the contract, or will certify on the contract that he has satisfied himself of the signer's authority and has waived this requirement. If evidence be filed with the contract, it should consist of extracts from the articles of incorporation, the by-laws, or the minutes of the board of directors, duly certified by the custodian of such records under the corporate seal (if there be one) showing the signer to be properly vested with authority to bind the corporation.

641. Vouchers must be stated in the name of the corporation, company, firm, or person rendering the service or furnishing the articles for which payment is made.

642. Payments in *currency*, or by *check to bearer*, will not be made to holders of powers of attorney, or of instruments operating as transfers or assignments.

If payment in currency, or by check to bearer, is made to an incorporated or unincorporated company, the money or check must be delivered to and the voucher receipted by a duly authorized officer or agent of the company; the receipt must be signed with the company name, followed by the autograph signature of the officer, with his title, or of the agent, to whom the money or check was delivered, and the receipted voucher will be accompanied by evidence showing his authority. This evidence will consist of extracts from the articles of incorporation or association, the by-laws, or the minutes of the board of directors, duly certified by the custodian of such records (under the company seal, if there be one), showing that the signer is properly vested with authority to receive and receipt for money due the company.

If payment in currency, or by check to bearer, is made to an individual

or a copartnership doing business under a company title, the receipt must be signed with the company name, followed by the autograph signature of the individual proprietor or of one of the members of the firm with the words "proprietor" or "one of the proprietors" appended thereto.

If payment in currency, or by check to bearer, is made to a copartnership doing business as such, the receipt must be signed with the usual firm signature by one of the members of the firm, who will be required to append his own signature as "one of the firm."

If payment in currency, or by check to bearer, is made to an individual creditor, the receipt must be signed by him in person.

643. If payment is made by *check to order* of any company (incorporated or unincorporated), or firm, or individual, by name, and the fact that the check has been so drawn is stated on the voucher, giving its number, date, amount, and United States depository on which drawn, the receipt to the voucher may be signed by an officer, attorney, or agent of the company, or by an attorney or agent of the firm or individual, stating the capacity in which he signs, without filing with the voucher evidence of his authority to sign. The disbursing officer in all such cases will deliver the check to such person only as he is satisfied is authorized by the principal to receipt the voucher and receive the check.

GENERAL ORDERS, No. 49.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, December 5, 1896.

1. The following order has been received from the War Department:

WAR DEPARTMENT, *Washington, December 5, 1896.*

Under the authority vested in him by section 1146, Revised Statutes, the President hereby establishes an emergency ration for troops operating for short periods under circumstances which require them to depend upon supplies carried upon their persons. Its component parts are as follows: Bacon, 10 ounces; hard bread, 16 ounces; pea meal, 4 ounces, or an equivalent in approved material for making soup; coffee, roasted and ground, 2 ounces, or tea one-half ounce; saccharin, 4 grains; salt, 0.64 ounce; pepper, 0.04 ounce; tobacco, one-half ounce.

DANIEL S. LAMONT,
Secretary of War.

2. The Secretary of War directs that this emergency ration be resorted to only on occasions arising in active operations when the use of the regularly established ration may be impracticable: that, although its nutritive qualities permit its use on half allowance, it will not be so used except in cases of overruling necessity, and never for a longer period than ten days, and that not more than five days' emergency rations be carried on the person at one time.

3. By direction of the Secretary of War, the Subsistence Department will provide tough paraffin paper for wrapping the bacon; will furnish hard bread in grease-proof packages, the pea meal in cylindrical packages, and the coffee, tea, saccharin, salt, pepper, and tobacco in suitable packages. (*A. R., 1253.*)

GENERAL ORDERS, No. 51.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, December 12, 1896.

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II. By direction of the Assistant Secretary of War, the following instructions are published to the Army for the information and guidance of all concerned:

TABLEWARE.

Estimates are sometimes made for articles of china and glassware, to cover wear and tear, as determined by inventory and inspection report. The term *breakage* in A. R. 1200 covers all shortage by deterioration of such ware through breakage, chipping, cracking, etc.; shortage through extraordinary circumstances, or through loss or carelessness, is otherwise provided for. Attention is invited to paragraph II, General Orders, No. 7, series 1895, and to Circular No. 10, series 1895, both from this office, the latter regarding inspection of ware after each meal and each dishwashing.

The allowance under A. R. 1200 is abundant, and ware must be so guarded that the outfit shall therewith be kept complete. China and glassware will be disposed of only as provided for by that paragraph, which does not contemplate the action of an inspector.

Estimates for ware will be rendered quarterly for articles needed, within value and quantity allowed by regulations. If estimates are not submitted at the end of each quarter, it will be inferred that the supply on hand is complete to that date. The account for each organization is closed at the end of the fiscal year.

If the ware of a departing organization is left in such a condition that the supply on hand, together with allowance remaining due, and articles replaced as provided for by A. R. 1200, will not complete the outfit for its successor, the shortage will be charged against the officer in charge of the mess of the departing company.

The quartermaster who receives the ware from departing organizations will keep the supply of each company separately, to be thus turned over to its successor. (*A. R., 1200.*)

GENERAL ORDERS, No. 4.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, February 4, 1897.

The following order, received from the War Department, is published for the information of all concerned:

WAR DEPARTMENT, *Washington, November 10, 1896.*

In accordance with the provisions of the joint resolution of Congress entitled "Joint resolution relative to the medal of honor authorized by the acts of July twelfth, eighteen hundred and sixty-two, and March third, eighteen hundred and sixty-three," approved May 2, 1896, a ribbon to be worn with the medal of honor, and a knot to be worn in lieu of the medal, is prescribed and established by the President of the United States, to be each of a pattern as follows:

The ribbon to be of silk one inch wide and one inch in length; the center stripe of white one sixteenth of an inch wide, flanked on either side by a stripe of blue seven thirty-seconds of an inch wide, bordered by two stripes of red each one-quarter of an inch wide.

The knot to be a bowknot of the same combination of colors as the ribbon above described.

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(*Art. XXV, A. R.*)

GENERAL ORDERS, No. 8.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, February 27, 1897.

By direction of the Secretary of War, the following letter, regarding the misuse of the official envelope, is published for the information and guidance of all concerned:

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., February 13, 1897.

The Honorable the SECRETARY OF WAR.

SIR: It has come to the knowledge of the Postmaster-General that subordinate officers in at least one of the Departments use the official envelope in corresponding with their attorneys in regard to their accounts with the Government, and that they furnish their attorneys official envelopes to cover the return of what they choose to call official papers to the officials interested. This is illegal, and I have to respectfully request you to call the attention of your subordinates to the following points:

1. An official of the Government has no right to use the official envelope to cover papers or correspondence with his attorney or other private citizen in regard to his accounts with the Government. And when it is known that packages, though addressed by the Departments to officials, are really intended for an attorney or other private citizen, such packages should not be sent free of postage.

2. An official has no right to furnish his attorney or other private citizen official envelopes to be used at his discretion or otherwise. The only exception to this rule is where an officer writes to a private party on official business, he may inclose with his letter an official envelope properly addressed to himself to cover the reply.

Very respectfully,

WM. L. WILSON,
Postmaster-General.

(*A. R., 813 and 814.*)

GENERAL ORDERS, No. 9.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, March 1, 1897.

The following instructions of the Secretary of War are published for the information and guidance of all concerned:

No persons, except officers of the Army and Navy of the United States, and persons in the service of the United States employed in direct connection with the use, construction, or care of these works, will be allowed to visit any portion of the lake and coast defenses of the United States, without the written authority of the commanding officer in charge.

Neither written nor pictorial descriptions of these works will be made for publication without the authority of the Secretary of War, nor will any information be given concerning them which is not contained in the printed reports and documents of the War Department.

Commanding generals of departments will see that this order is carried into effect, and that the permission to visit the defenses referred to is only given for proper military reasons.

Commanding officers, ordnance sergeants, and others in charge of fortifications, or any means of lake or coast defenses, will exercise great care in acting upon applications to visit the works, and will grant such only as may be warranted for good and sufficient military reasons.

Commanding generals of departments concerned will give to this matter their continued personal attention to the end that any dereliction of the duty herein enjoined may be immediately observed and promptly met by discipline. (*A. R., 334.*)

GENERAL ORDERS, No. 10.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, March 3, 1897.

I. By direction of the Secretary of War, paragraphs 148, 191, 408, 573, 709, and 1214 of the Regulations are amended to read as follows:

148. The cause of discharge and the soldier's age at date of enlistment will be stated in the body of the discharge certificate. His character will be accurately described at the bottom of the certificate, but if not sufficiently good to allow of his reenlistment, the words "No objection to his reenlistment is known to exist" will be erased. The words "Service honest and faithful," or "Service not honest and faithful," as the case may be, will be entered under "Remarks" in the military record on the back of the discharge certificate, and will also be noted on the final statements. The company commander will, before submitting the discharge certificate to the proper officer for signature, inform the soldier of the character he intends to give him. Should the soldier feel that injustice will be done him thereby, he may at once apply for redress to the post commander, who will immediately convene a board of officers to determine the facts in the case, and will briefly note the finding of the board, if approved by him, on the discharge certificate. But in all cases where the company commander deems a soldier's services unfaithful, he should whenever practicable notify the soldier at least thirty days prior to discharge of the character which he intends to give, in order that the soldier may have ample opportunity to apply for and be heard before the board. In such cases the proceedings of the board, showing all the facts pertinent to the inquiry, with the views of the intermediate commanders indorsed thereon, will be transmitted for the consideration and action of the War Department. This board may be called upon the application of the post or company commander, and if by the former the department commander shall appoint it. The character given by the company commander, also the character found by the board, will be noted on the muster roll. The officer who prepares the discharge will state thereon whether the man is married or unmarried, the number of his minor children, and, if discharged from a reenlistment, the number thereof.

191. Purchasing commissaries, officers on duty at general depots of supply, and others indicated in the preceding paragraph, whether reporting by letter to department commanders or not, are subject to their orders for court-martial or other duty in an emergency only; and officers on duty with the schools at Fort Leavenworth, Fort Monroe, and Fort Riley will not be detached without the orders of the Secretary of War or the Commanding General of the Army.

408. The Vice-President and President of the Senate and American or foreign ambassadors receive a salute of 19 guns; members of the Cabinet, the Chief Justice, the Speaker of the House of Representatives, a committee of Congress officially visiting a military post, and governors, within their respective States or Territories, receive 17 guns. The Assistant Secretary of War, when officially visiting a military post, receives 15 guns.

573. When the principal of the bond is a corporation, a copy of the record of the selection of the officers executing the bond in its behalf, and a copy of the by-law or other record of the proceedings of the governing body of the corporation, showing their authority to execute the same, will be attached to the bond; these copies to be certified by the custodian of such records under the seal of the corporation to be correct copies.

709. A board of survey will be called by the commanding officer of the post or station. It will be composed of three officers, exclusive of the commanding officer and those who are interested, if that number be present for duty; otherwise, of as many as are so present, exclusive of the commanding and interested officers; or if none but the commanding officer and interested officers be present for duty, then of the commanding officer. When only the responsible or interested officer is present, he will not constitute himself a board of survey, but will furnish the department commander his certificate of facts and circumstances, supported by affidavits of enlisted men or others who are cognizant thereof. Should a case thus presented not be considered satisfactory, or in a case in which only interested officers with opposing interests are present for duty at the post, the department commander may make the necessary investigation. In cases where the property in question has been previously acted upon by a board of survey, the order convening the board will so state and require that the proceedings of any previous board or boards be considered.

1214. Blank forms for official telegrams will be furnished by the Quartermaster-General for the use of all persons in the military service.

II. By direction of the Secretary of War, the following paragraphs are added to the Regulations, viz:

213*a*. The flag of the Secretary of War will be of scarlet bunting, measuring 12 feet fly and 6 feet 8 inches hoist, having upon it an eagle with outstretched wings. On the breast of the eagle a U. S. shield; in the right talon an olive branch, with berries, and in the left a bunch of arrows; in the eagle's beak a scroll with the motto "E Pluribus Unum." In the field of the shield there shall be placed two rows of stars, 6 in the upper and 7 in the lower row, placed equidistant apart. There shall also be placed in each corner of the flag a white star, the measurement of which shall be about 9.8 inches from point to point. The distance from the upper or lower edges of the flag to the center of the stars shall be about 12.8 inches, and the distance from the heading and end of the flag to the center of the stars about 17.25 inches.

COLORS.

For the Secretary of War.

214*a*. Of scarlet silk, 5 feet 6 inches fly, 4 feet 4 inches on the pike, which will be 9 feet long, including spearhead and ferrule. To have in the center, embroidered in silk, a golden brown American eagle with outstretched wings; on its breast a U. S. shield; in the right talon an olive branch with red berries, and in the left a bunch of arrows; a red scroll held in the eagle's beak with the motto "E Pluribus Unum" worked in yellow; and in the upper part of the U. S. shield a group of 13 white stars, about three-fourths of an inch from point to point, arranged in two rows, the upper row consisting of 6 and the lower row of 7 stars. The design, letters, and figures to be embroidered in silk, the same on both sides of the color. To have a star embroidered in white silk placed at each corner of the flag, about 4½ inches from point to point. The distance from the upper or lower edges of the flag to the center of the stars to be about 7½ inches, and from the pike casing or end of the fly to the center of the stars about 13 inches.

The color to be trimmed with white silk knotted fringe, 3 inches deep, and one cord and tassel about 8 feet 6 inches long, to be of red and white silk intermixed.

GENERAL ORDERS, No. 15.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, March 16, 1897.

The following acts of Congress are published for the information and government of all concerned:

I. AN ACT To prohibit the sale of intoxicating drinks to Indians, providing penalties therefor, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person who shall sell, give away, dispose of, exchange, or barter any malt, spirituous, or vinous liquor, including beer, ale, and wine, or any ardent or other intoxicating liquor of any kind whatsoever, or any essence, extract, bitters, preparation, compound, composition, or any article whatsoever, under any name, label, or brand, which produces intoxication, to any Indian to whom allotment of land has been made while the title to the same shall be held in trust by the Government, or to any Indian a ward of the Government under charge of any Indian superintendent or agent, or any Indian, including mixed bloods, over whom the Government, through its departments, exercises guardianship, and any person who shall introduce or attempt to introduce any malt, spirituous, or vinous liquor, including beer, ale, and wine, or any ardent or intoxicating liquor of any kind whatsoever into the Indian country, which term shall include any Indian allotment while the title to the same shall be held in trust by the Government, or while the same shall remain inalienable by the allottee without the consent of the United States, shall be punished by imprisonment for not less than sixty days, and by a fine of not less than one hundred dollars for the first offense and not less than two hundred dollars for each offense thereafter: *Provided, however,* That the person convicted shall be committed until fine and costs are paid. But it shall be a sufficient defense to any charge of introducing or attempting to introduce ardent spirits, ale, beer, wine, or intoxicating liquors into the Indian country that the acts charged were done under authority, in writing from the War Department or any officer duly authorized thereunto by the War Department.

SEC. 2. That so much of the Act of the twenty-third day of July, eighteen hundred and ninety-two, as is inconsistent with the provisions of this Act is hereby repealed.

Approved, January 30, 1897.

[The act referred to in section 2 was published in General Orders, No. 56, Headquarters of the Army, Adjutant-General's Office, August 13, 1892.] (A. R., 474.)

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VI. An Act To amend section forty-eight hundred and seventy-eight of the Revised Statutes relating to burials in national cemeteries.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section forty-eight hundred and seventy-eight of the Revised Statutes be amended so as to read as follows:

"SEC. 4878. All soldiers, sailors, or marines dying in the service of the United States, or dying in a destitute condition after having been honorably discharged from the service, or who served during the late war, either in the regular or volunteer forces, may be buried in any national cemetery free of cost. The production of the honorable discharge of a deceased man shall be sufficient authority for the superintendent of any cemetery to permit the interment. Army nurses honorably discharged from their service as such may be buried in any national cemetery; and if in a destitute condition, free of cost. The Secretary of War is authorized to issue certificates to those army nurses entitled to such burial."

Approved, March 3, 1897.

(A. R., 85 and 492.)

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GENERAL ORDERS, No. 17.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, March 26, 1897.

I. By direction of the Secretary of War, paragraph 1470 of the Regulations is amended to read as follows:

1470. The Quartermaster-General, if he finds the account correct, will forward it to the Surgeon-General with request that the amount be paid to the depot quartermaster, Washington, D. C., and the Surgeon-General will cause the amount to be paid from the appropriation for artificial limbs. The depot quartermaster will deposit the money in the Treasury to the credit of the appropriation for army transportation, and in his account-current will state from whom the money was received, and that it was a refundment to the Quartermaster's Department from the appropriation for artificial limbs, of a sum paid by ——— ———, Quartermaster, U. S. A., on voucher No. ——, for ———, 18—, for the transportation of a person en route to procure an artificial limb.

II. The following modification of existing instructions ordered by the Secretary of War are published for the information and guidance of all concerned:

The proficiency required by paragraph 1544, Army Regulations, will be considered to have been attained by an officer or enlisted man under instruction when, at a distance of 4 miles from the connecting station, he can send and receive by flag, or torch, and heliograph four words per minute, each five letters of the written message to count as one word. Section 2, paragraph II, General Orders, No. 32, August 1, 1896, from this office, relating to military signaling, and so much of paragraph IV, General Orders, No. 41, September 4, 1896, from this office, as prescribes the qualifications for gunnery specialists, are modified accordingly.

GENERAL ORDERS, No. 22.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, April 12, 1897.

With the approval of the Secretary of War, the following is published to the Army for the information and guidance of all concerned:

On Memorial Day, May 30, at all army posts and stations, the national flag will be displayed at half staff from sunrise till midday, and immediately before noon the band, or field music, will play a dirge, "Departed Days," or some appropriate air. At the conclusion of this memorial tribute, at noon, the flag will be hoisted to the top of the staff and will remain there until sunset. When hoisted to the top of the staff the flag will be saluted by playing one or more of the national airs. In this way fitting testimonial of respect for the heroic dead and honor to their patriotic devotion will be appropriately rendered. (*A. R., 450.*)

GENERAL ORDERS, No. 33.

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, May 28, 1897.

I. Paragraph 346 of the Regulations is amended to read as follows:

346. The commanding officer of each cavalry, artillery, and infantry regiment may, on the 1st day of August of each year, nominate to the Com-

manding General of the Army one subaltern for detail at Willetts Point, N. Y., for a course of instruction in torpedo service, commencing on the 1st day of November and ending on the 1st day of September following. The nominations thus made will be forwarded through the regular military channels.

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GENERAL ORDERS, No. 38.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE, *Washington, June 15, 1897.*

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II. Paragraph 1069 of the Regulations is amended to read as follows:

1069. The Quartermaster's Department will transport for officers changing station the number of horses for which they are legally entitled to forage, and an attendant to accompany the horses when necessary, subject to the following restrictions:

1. That the expense paid by the United States shall not exceed $50 for each horse transported. The cost of such shipment will be ascertained in advance, and if found to exceed $50 for each horse, including transportation of attendant, if any, the excess must be prepaid by the owner, who must also pay all the expenses of the attendant other than his transportation.

2. That the horses are owned by the officer and were used by him in the public service at the station from which he is ordered to move.

3. The horses of retired officers or officers ordered to their homes to await retirement, or officers ordered on recruiting service or college detail, or to effect a voluntary transfer, or to attend schools of instruction as student officers except when ordered to duty as students at the United States Infantry and Cavalry School, Fort Leavenworth, Kans., will not be transported at public expense.

GENERAL ORDERS, No. 40.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE, *Washington, June 24, 1897.*

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II. Paragraphs 1109 and 1117 of the Regulations are amended, to take effect July 1, 1897, to read as follows:

1109. The following persons are entitled, at public expense, to a double berth in a sleeping car, or to the customary stateroom accommodations on steamers where extra charge is made for the same: Officers of the Army traveling on duty; civilian clerks and agents in the military service when traveling under orders on public business; sergeant-majors, ordnance, commissary and quartermaster sergeants (post or regimental), hospital stewards, chief musicians, principal musicians, chief trumpeters, saddler-sergeants, and sergeants of the Signal Corps, when traveling under orders on public business without troops; also invalid soldiers when so traveling on the certificate of a medical officer showing the necessity therefor. Officers of the Army traveling on day journeys are entitled to seats in day parlor cars, provided such privilege is not covered by sleeping-car accommodations already held by them.

1117. An officer traveling on duty who incurs expense for authorized sleeping or parlor car accommodations, when it is impracticable to obtain a request therefor, will be reimbursed by the Quartermaster's Department upon application supported by a receipt for the amount paid by him and a copy of the orders under which the journey was performed.

GENERAL ORDERS, No. 42.

HEADQUARTERS OF THE ARMY, ADJUTANT-GENERAL'S OFFICE, *Washington, June 30, 1897.*

I. The following order is published for the information of all concerned:

WAR DEPARTMENT, *Washington, June 26, 1897.*

By direction of the President, the following regulations are promulgated respecting the award of medals of honor, and paragraph 177 of the Regulations is amended to read as follows:

177. Medals of honor, authorized by the act of Congress approved March 3, 1863, are awarded to officers and enlisted men in the name of the Congress for particular deeds of most distinguished gallantry in action.

1. In order that the Congressional medal of honor may be deserved, service must have been performed in action of such a conspicuous character as to clearly distinguish the man for gallantry and intrepidity above his comrades—service that involved extreme jeopardy of life or the performance of extraordinarily hazardous duty. Recommendations for the decoration will be judged by this standard of extraordinary merit, and incontestable proof of performance of the service will be exacted.

2. Soldiers of the Union have ever displayed bravery in battle, else victories could not have been gained; but as courage and self-sacrifice are the characteristics of every true soldier, such a badge of distinction as the Congressional medal is not to be expected as the reward of conduct that does not clearly distinguish the soldier above other men, whose bravery and gallantry have been proved in battle.

3. Recommendations for medals on account of services rendered in the Volunteer Army during the late war, and in the Regular Army previous to January 1, 1890, will, if practicable, be submitted by some person other than the proposed recipient, one who is personally familiar with all the facts and circumstances claimed as justifying the award, but the application may be made by the one claiming to have earned the decoration, in which case it will be in the form of a deposition, reciting a narrative description of the distinguished service performed. If official records are relied on as evidence proving the personal service, the reports of the action must be submitted or cited; but if these records are lacking the testimony must embrace that of one or more eyewitnesses, who, under oath, describe specifically the act or acts they saw, wherein the person recommended or applying clearly distinguished himself above his fellows for most distinguished gallantry in action.

4. Recommendations for medals on account of service rendered subsequent to January 1, 1890, will be made by the commanding officer at the time of the action or by an officer or soldier having personal cognizance of the act for which the badge of honor is claimed, and the recommendation will embrace a detailed recital of all the facts and circumstances. Certificates of officers or the affidavits of enlisted men who were eyewitnesses of the act will also be submitted if practicable.

5. In cases that may arise for service performed hereafter, recommendations for award of medals must be forwarded within one year after the performance of the act for which the award is claimed. Commanding officers will thoroughly investigate all cases of recommendations for Congressional medals arising in their commands, and indorse their opinion upon the papers, which will be forwarded to the Adjutant-General of the Army through regular channels.

R. A. ALGER, *Secretary of War.*

II. Paragraph 257 of the Regulations is amended to read as follows:

257. Sergeants and corporals are appointed by regimental commanders on the recommendation of their company commanders. To test the capacity of privates for the duties of noncommissioned officers, company commanders may appoint lance corporals, who will hold such appointments not to exceed three months, and will be obeyed and respected as corporals. The appoint-

ments, with the approval of the regimental or post commander, may be renewed, but no company shall have more than one lance corporal at a time. Lance corporals holding renewed appointments are on the same footing regarding reduction as corporals. A lance corporal holding a first appointment will wear the uniform of a private, with a chevron having one bar of lace or braid; if holding a renewed appointment he will wear the uniform of a corporal, except that the chevron will have but one bar of lace or braid.

GENERAL ORDERS, No. 46.

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, July 14, 1897.

Paragraphs 46 and 1118 of the Regulations are amended to read as follows:

46. A department commander may grant leaves for one month and the Commanding General of the Army for four months, or they may extend to such periods those granted by subordinate commanders. Applications for leaves of more than four months' duration, or from officers of the staff corps and departments for more than one month, or from department commanders desiring leaves of absence to pass beyond the territorial limits of their commands, will be forwarded to the Adjutant-General of the Army for the action of the Secretary of War.

1118. In changing station, an officer's authorized allowance of baggage will be turned over to a quartermaster for transportation as freight by ordinary freight lines, unless otherwise ordered by the department commander or higher authority.

GENERAL ORDERS, No. 52.

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, August 24, 1897.

The following revision of the instructions of the Secretary of War, contained in General Orders, No. 9, March 1, 1897, from Headquarters of the Army, Adjutant-General's Office, is published for the information and guidance of all concerned:

Except by special authority of the Secretary of War, no persons, other than officers of the Army and Navy of the United States, and persons in the service of the United States employed in direct connection with the use, construction, or care of these works, will be allowed to visit any portion of the lake and coast defenses of the United States without the written authority of the commanding officer in charge, to be given only for proper military reasons.

Special authority to visit defensive works granted by the Secretary of War will be limited to United States Senators and members of Congress, their public duties requiring them to take official action on matters connected therewith, and to the governor (or his adjutant-general) of the State in which the works are located, as commander in chief of the local militia instructed there.

Neither written nor pictorial descriptions of these works will be made for publication without the authority of the Secretary of War, nor will any information be given concerning them which is not contained in the printed reports and documents of the War Department.

Commanding generals of departments will see that this order is carried into effect, and that the permission to visit the defenses referred to is only given for proper military reasons.

Commanding officers, ordnance sergeants, and others in charge of fortifications, or any means of lake or coast defenses, will exercise great care in acting upon applications to visit the works, and will grant such only as may be warranted for good and sufficient military reasons.

Commanding generals of departments concerned will give to this matter their continued personal attention to the end that any dereliction of the duty herein enjoined may be immediately observed and promptly met by discipline. (*A. R., 334.*)

GENERAL ORDERS, No. 53.

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, August 25, 1897.

The following circular from the Treasury Department, containing instructions to United States disbursing officers, is published for the information and guidance of all concerned. Officers of the Army disbursing public funds will be held accountable for a strict compliance with its requirements.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, D. C., August 14, 1897.

The following sections of the Revised Statutes are published for the information and guidance of all concerned:

"SECTION 3620. It shall be the duty of every disbursing officer having any public money intrusted to him for disbursement to deposit the same with the Treasurer or some one of the assistant treasurers of the United States, and to draw for the same only as it may be required for payments to be made by him in pursuance of law (and draw for the same only in favor of the persons to whom payment is made); and all transfers from the Treasurer of the United States to a disbursing officer shall be by draft or warrant on the Treasury or an assistant treasurer of the United States. In places, however, where there is no Treasurer or assistant treasurer, the Secretary of the Treasury may, when he deems it essential to the public interest, specially authorize in writing the deposit of such public money in any other public depository, or, in writing, authorize the same to be kept in any other manner, and under such rules and regulations as he may deem most safe and effectual to facilitate the payments to public creditors.

"SECTION 5488. Every disbursing officer of the United States who deposits any public money intrusted to him in any place or in any manner, except as authorized by law, or converts to his own use in any way whatever, or loans with or without interest, or for any purpose not prescribed by law withdraws from the Treasurer or any assistant treasurer, or any authorized depositary, or for any purpose not prescribed by law transfers or applies any portion of the public money intrusted to him, is, in every such act, deemed guilty of an embezzlement of the money so deposited, converted, loaned, withdrawn, transferred, or applied; and shall be punished by imprisonment with hard labor for a term not less than one year nor more than ten years, or by a fine of not more than the amount embezzled or less than one thousand dollars, or by both such fine and imprisonment."

In accordance with the provisions of the above sections, any public money advanced to disbursing officers of the United States must be deposited immediately to their respective credits, with either the United States Treasurer, some assistant treasurer, or by special direction of the Secretary of the Treasury, with a national bank depositary nearest or most convenient, except—

(1) Any disbursing officer of the War Department, specially authorized by the Secretary of War, when stationed on the extreme frontier or at places far remote from such depositaries, may keep, at his own risk, such moneys as may be intrusted to him for disbursement.

(2) Any officer receiving money remitted to him upon specific estimates may disburse it accordingly without waiting to place it in a depositary, provided the payments are due and he prefers this method to that of drawing checks.

Any check drawn by a disbursing officer upon moneys thus deposited must be in favor of the party, by name, to whom the payment is to be made, and payable to "order" or "bearer," with these exceptions:

(1) To make payments of individual pensions, checks for which must be made payable to "order;" (2) to make payments of amounts not exceeding twenty dollars; (3) to make payments at a distance from a depositary, and (4) to make payments of fixed salaries due at a certain period; in either of which cases, except the first, any disbursing officer may draw his check in favor of himself, or "order," or "bearer," for such amount as may be necessary for such payment, but in the last-named case the check must be drawn not more than two days before the salaries become due.

Any disbursing officer or agent drawing checks on moneys deposited to his official credit must state on the face or back of each check the object or purpose to which the avails are to be applied, except upon checks issued in payment of individual pensions, the special form of such checks indicating sufficiently the character of disbursement. If the object or purpose for which any check of a public disbursing officer is drawn is not stated thereon, as required, or if any reason exists for suspecting fraud, the office or bank on which such check is drawn will refuse its payment.

Such statement may be made in brief form, but must clearly indicate the object of the expenditure, as, for instance, "pay," "pay roll," or "payment of troops," adding the fort or station; "purchase of subsistence" or other supplies; "on account of construction," mentioning the fortification or other public work for which the payment is made; "payments under $20," etc.

Checks will not be returned to the drawer after their payment, but the depositary with whom the account is kept shall furnish the officer with a monthly statement of his deposit account.

Deposits to the credit of the Treasurer of the United States on account of repayment of disbursing funds must be made with the office or bank in which such funds are to the credit of the disbursing officer.

No allowance will be made to any disbursing officer for expenses charged for collecting money on checks.

Whenever any disbursing officer of the United States shall cease to act in that capacity he will at once inform the Secretary of the Treasury whether he has any public funds to his credit in any office or bank, and, if so, what checks, if any, he has drawn against the same, which are still outstanding and unpaid. Until satisfactory information of this character shall have been furnished, the whole amount of such moneys will be held to meet the payment of his checks properly payable therefrom.

In case of the death, resignation, or removal of any disbursing officer, checks previously drawn by him will be paid from the funds to his credit, unless such checks have been drawn more than four months before their presentation, or reasons exist for suspecting fraud. Any check previously drawn by him and not presented for payment within four months of its date will not be paid until its correctness shall have been attested by the Secretary or Assistant Secretary of the Treasury.

Every disbursing officer, when opening his first account, before issuing any checks, will furnish the depositary on whom checks are drawn with his official signature, duly verified by some officer whose signature is known to the depositary.

For every deposit made by a disbursing officer, to his official credit, a receipt in form as below shall be given, setting forth its serial number and the place and date of issue; the title of each officer shall be expressed, and the title of the disbursing account shall also show for what branch of the public service the account is kept, as it is essential for the proper transaction of departmental business that accounts of moneys advanced from different bureaus to a disbursing officer serving in two or more distinct capacities be kept separate and distinct from each other, and be so reported to the Department both by the officer and the depositary, the receipt to be retained by the officer in whose favor it is issued.

No. ——. Office of the U. S. (Assistant Treasurer or Depositary),

——, ——, 189—.

Received of ——, —— dollars, consisting of ——, to be placed to his credit as ——, and subject only to his check in that official capacity.

$——. ——— ———,

United States (Assistant Treasurer or Depositary).

These regulations are intended to supersede those of August 24, 1876.

L. J. GAGE,
Secretary.

(A. R. 571, 578, 580, 584–586, 590, 592, 599, 655, 656, 1348–1364, and 1391.)

GENERAL ORDERS, No. 56.

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, October 8, 1897.

I. Paragraphs 1349, 1351, 1352, 1353, and 1354 of the Regulations are amended to read as follows:

1349. Payments will be made as soon after the close of each month as practicable:

1. By paymasters in person; or

2. By check to be sent by registered mail or express, or by currency shipped by express.

The troops at posts where paymasters are stationed and others in their immediate vicinity, to be designated in instructions issued from the Adjutant-General's Office, will be paid by paymasters in person.

For posts at which payments are not required to be made in person, the paymaster will transmit the pay due in one or more of the following ways:

1. By individual check, payable to the order of each man, for the exact amount due.

2. By inclosing in a separate sealed envelope the exact amount in currency due each soldier, with his name and the amount inclosed marked thereon.

1351. When forwarding the rolls the post commander will furnish the paymaster with the name, rank, etc., of the officer designated to see that the men of the command are paid, and at the same time will state what part of the pay can conveniently be received by the men in individual checks and cashed at or near the post without discount, designating the location of depository on which it is desired that the checks should be drawn, and whether it is desired that the checks be sent by mail or by express. The remainder of the pay will be sent in envelopes.

1352. The paymaster will, as far as practicable, draw the checks on the depository designated; the checks, when not sent by mail, and the money for each organization will be inclosed in separate packages properly marked, and the whole will be consolidated into one package and forwarded by express to the post commander. One of each of the company or detachment rolls extended to show the amounts to be paid will be returned to the commanding officer and by him sent to the proper company commanders.

1353. At places beyond express delivery, the post commander, when notified by the paymaster that funds sent by express are to be expected, will send an officer with a suitable escort to receipt for the express package and convey the funds to the post. The name of the officer authorized to receipt for the package will previously have been reported to the paymaster.

1354. When a package of funds is received at the post, it will be delivered to the officer who has been designated by the commanding officer to distribute the pay. As soon as possible the individual checks or the currency will be handed to the men by the officer designated, and when the payment is in currency from envelopes, a second officer, who may be the company commander, will be required to verify the amounts in the envelopes, so that, in case of error, certificates may be prepared at once by both officers. Should there be a deficiency it will be so certified on the roll by the paying and the verifying officers, and should there be an excess the surplus will be returned to the paymaster. In each case a statement of the facts, with appropriate certificates, will be sent to the paymaster by the post commander.

II. So much of General Orders, No. 31, from Headquarters of the Army, Adjutant-General's Office, July 31, 1896, as conflicts with the provisions of this order, is modified accordingly. (*A. R., 1348 to 1364.*)

GENERAL ORDERS, No. 58.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, October 18, 1897.

By direction of the Secretary of War, paragraph 1524 of the Regulations is amended to read as follows:

INSPECTION OF ORDNANCE SUPPLIES.

1524. Before final disposition of ordnance supplies which from any cause are worn-out or damaged, they will be submitted to an inspector. But when small arms become unserviceable and can not under existing orders be repaired at the post, they will be turned into the nearest depot or arsenal, and will under no circumstances be broken up.

GENERAL ORDERS, No. 60.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, October 28, 1897.

By direction of the Secretary of War, General Orders No. 9, March 13, 1896, from this office, and paragraphs 1412 and 1413 of the Regulations are revoked, and the following regulations substituted therefor:

1412. Special instruction in the duties of litter bearers and the methods of rendering first aid to the sick and wounded will be given to all enlisted men of the Army by their company officers for at least four hours in each month. Company commanders will be supplied from the Surgeon-General's Office with the Drill Regulations for the Hospital Corps; and the surgeon of the post, under the direction of the post commander, will thoroughly instruct all company officers serving with troops in the professional knowledge required.

1413. All available men of the Hospital Corps will be instructed under the supervision of the surgeon of the post for at least eight hours in each month in the duties of litter bearers and the methods of rendering first aid to the sick and wounded.

GENERAL ORDERS, No. 62.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, November 9, 1897.

By direction of the Secretary of War, paragraph 1032 of the Regulations is amended to read as follows:

1032. Public animals shall, upon the day received, be branded with the letters "U. S." on the left fore shoulder. Cavalry and artillery horses, assigned to organizations, will also be branded on the hoof of one fore foot, 1½ inches below the coronet, with the designation of the regiment and troop or battery. Branding irons will be supplied by the Quartermaster's Department of uniform size and design. Letters "U. S." to be 2 inches in

height. Letters and numbers of hoof brands, on the same line, to be three-fourths of an inch high, the letter to precede the number, and blocked so as to penetrate the hoof one-sixteenth of an inch.

GENERAL ORDERS, No. 68.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, December 10, 1897.

I. At all artillery posts, forts, and stations the care and preservation of the guns, carriages, magazines, ammunition, and other artillery material, parapets, platforms, and grounds surrounding them, will be divided among the batteries thereof, and battery commanders will be held to a rigid accountability for a proper performance of these duties. In order that all artillery organizations may be thoroughly instructed in the care and manipulation of all the kinds and calibers of guns, carriages, etc., changes will occasionally be made in the assignment of these duties to the different artillery organizations.

II. The methods described in the instruction pamphlets issued to battery commanders for the mounting, using, and care of the various guns and carriages will be strictly followed.

III. The ammunition service (trolleys and lifts) will be operated at intervals of not exceeding seven days, and the different working parts (pulleys, journals, etc.) kept clean and lubricated.

IV. Where electric light and power plants have been installed, they will be put in operation once a month. In firing boilers the temperature in the fire box should be raised very gradually to avoid sudden expansions of the metal shell. All machinery, such as engines, pumps, and boilers, will be kept in good working order at all times. The small amount of fuel required for the purpose of operating the power and light plants should be provided from the fuel allowances of the troops.

Lubricating material and electrical supplies will be secured on quarterly requisitions from the proper departments.

V. Platforms, parapets, and the grounds surrounding them, whose limits will be prescribed by post commanders, will be kept in proper police. Drains and sumps should be inspected weekly, and kept in order.

Any damage to or defects in the engineer work or property pertaining to the Ordnance Department should be promptly reported.

VI. It should be born in mind that the main duty of the artillery is to care for these expensive high-power engines of war, learn their capabilities and their use under all circumstances, and the proper manipulation of range finders, converter-boards, etc., used with them, and also become thoroughly familiar with the charts of the harbors in which they are serving.

Vessel-tracking with the guns in connection with the range finder and converter-board will be frequently practiced.

VII. In order to properly carry out the spirit of this order, the weekly inspections of the various batteries will be held—weather permitting—at the guns, for the care of which they are severally responsible. The regular monthly inspection of the post will include that of the guns, and thus the post or battalion commanders will be enabled to determine how well the battery commanders have performed their duties, and what progress

has been made in familiarizing the troops with the duties which are required of them. The last day of each quarter a report in writing of the inspection will be made by post or battalion commanders, through department headquarters for the information of the Major-General Commanding the Army.

In the annual reports of department commanders of their personal inspections, as required by paragraph 193, Army Regulations, the condition and working order of these batteries of position will be reported, but any case of neglect will be made the subject of a special report. (*A. R., 193, 343, and 1331.*)

GENERAL ORDERS, No. 71.

HEADQUARTERS OF THE ARMY.
ADJUTANT-GENERAL'S OFFICE,
Washington, December 14, 1897.

Military posts, stations, and reservations have been selected for occupation by the military forces, not only for immediate and temporary use, but in most cases for occupation so long as the Government shall exist. The attention of Department and Post Commanders is invited to the condition of these military reservations in order that every consideration may be given to their care, preservation, and adornment. They will not only be made useful and healthful to the garrisons, but be made attractive homes for the Army by every means available for that purpose. Commanding officers are directed to give this subject their earnest attention and to make requisitions for such appliances as may be necessary in order to carry out the purpose of this order.

The grounds, as far as practicable, will be improved by utilizing such material as may be available for the purpose. The shrubbery, trees, and forests on the reservation will be kept properly pruned, brush and unsightly trees removed, vines, fruit and ornamental trees planted and cultivated, and grounds properly ditched or drained. Live trees in the vicinity of the inhabited parts of a military reservation will not be cut down, except on the recommendation of the Post Council of Administration, approved by the Post and Department Commanders.

Where reservations are of sufficient extent, and it is practicable, they will be stocked with game, and all native singing birds protected.

Where required, requests will be made through the proper military channels to these headquarters for supplies of seeds for grass, flowers, vines, fruit and ornamental trees. (*Art. XXXVII, A. R.*)

GENERAL ORDERS, No. 75.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, December 31, 1897.

By direction of the Acting Secretary of War, paragraph 1359 of the Regulations is revoked, and paragraphs 129, 130, 1355, and 1358 are amended to read as follows:

129. Deserters will be brought to trial with the least practicable delay. While awaiting trial they will receive no pay, nor will they be permitted to sign pay rolls, and will be required to wear the clothes worn at the time of arrest, unless it should be imperative to issue other clothing, when, as far as practicable, only deserters' or other unserviceable clothing will be issued.

130. The clothing abandoned by a deserter will be turned over to the

quartermaster, with a certificate from the company or detachment commander showing its condition and the name of the deserter to whom it belonged. In no case should the money or proceeds of the sale of effects of a deserter be turned over to his relatives, nor any payment made therefrom by an officer on any account whatsoever. All other personal effects of a deserter will be disposed of as in the case of unclaimed effects of deceased soldiers.

1355. Should any error or informality be discovered in a check it will be returned to the paymaster, who will correct the same and return it with the least practicable delay. The roll will be returned to the paymaster after payment of the company, with a note thereon, verified by the witnessing officer, stating the facts as to the erroneous check. The receipt of the corrected check will be certified by the company commander to the paymaster, who will file such certificate with the pay rolls.

1358. Should a soldier die or desert in the interval between signing the pay rolls and the receipt of the money at the post from the paymaster, the check or cash will be immediately returned to the paymaster, the cash by express, the check by registered mail, and a note of explanation stating the fact of nonpayment and return of the check or money will be made on the roll, verified by the signature of the witnessing officer. The same course will be pursued should a soldier decline to receive his pay, or if for any other reason it should be impracticable to deliver it to him in person. When a paymaster has had money returned to him in such cases he will cancel the signature of the soldier on the roll.

GENERAL ORDERS, No. 2.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, January 4, 1898.

By direction of the Acting Secretary of War, the following is published to the Army for the information and guidance of all concerned:

The attention of officers of the Quartermaster's Department is invited to the following circular of the honorable Secretary of the Treasury, No. 187, of date November 11, 1897:

By the terms of an agreement recently entered into between the Secretary of the Treasury and the Union Pacific Reorganization Committee for the settlement and payment in full to November 1, 1897, of the indebtedness of the Union Pacific Railway Company to the United States, all claims for services rendered by the said company to the United States remaining unsettled or unpaid on November 1, 1897, and all claims for like service thereafter rendered are required to be paid to the company in cash.

In order, therefore, to facilitate the adjustment of matters involved in such settlement and to carry into full effect the terms of said agreement, it is hereby ordered that all pending claims for transportation services heretofore rendered by said company to the United States, and all claims for like services hereafter rendered, shall be settled by the accounting officers in favor of said company without reference to bond and interest account or to the requirements of the sinking fund created by the act of May 7, 1878.

The provisions of Department Circular No. 45, of March 9, 1895, are hereby modified accordingly.

Also to the decision of the honorable Secretary of the Treasury of December 4, 1897:

That accounts for services rendered for the Government over the main line of the Union Pacific from Council Bluffs to Ogden remaining unpaid, may be paid either by the disbursing officers of the War Department or through the accounting officers of the Treasury as may be most convenient.

Also to the fact that of dates November 29 and December 24, 1897, the auditor of the Union Pacific Railway Company has suggested that:

There is no necessity now for issuing more than one bill of lading or Government transportation request for service between any two points on the Union Pacific System except where one of the points is on the aided portion of the Kansas Division.

The receivers of the Union Pacific System will accept a single through bill of lading or transportation request covering service for any department of the United States Government, either way, over any of the lines under their jurisdiction, when presented by any connecting line.

Officers of the Quartermaster's Department are, therefore, hereby instructed that so much of A. R. 1093 and 1147, General Orders, No. 77, 1892, Adjutant-General's Office, and circular of the Quartermaster-General's Office of April 13, 1895, as require the issuance of separate transportation requests and bills of lading for services over the Union Pacific Railway between Omaha, Nebr., and Ogden, Utah, are hereby revoked, and a single request or bill of lading may be issued, where the travel is to or from points on the Union Pacific Railway above indicated in connection with roads other than the bond-aided Central Pacific, Kansas Division of the Union Pacific, or the Sioux City and Pacific railroads.

All existing instructions requiring the use of the Union Pacific between Omaha and Ogden as a bond-aided railroad are hereby revoked, and the same regulations as apply to transportation over other all-cash lines will hereafter apply to transportation for the Army over the Union Pacific lines as above referred to, and accounts for such service may hereafter be stated and paid by the disbursing quartermasters of the Army under the same regulations which govern other cash lines.

In deciding upon the route for passengers and freight hereafter officers issuing transportation will take the new conditions governing the Union Pacific Railroad into account in calculating cost. (*A. R., 1093, 1147.*)

GENERAL ORDERS, No. 5.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, March 9, 1898.

Illuminating supplies, in addition to those now provided for in paragraphs 1013 and 1014 of the Regulations, are authorized by the Secretary of War as follows:

Four burners (four lights) to each company, troop, or battery quartered in a barrack having an amusement or a recreation room separate from the dormitories and rooms for which light is now granted by the Regulations.

Four burners (four lights) to bands occupying quarters separate from those organizations from which they are detailed. (*A. R., 1013, 1014.*)

GENERAL ORDERS, No. 8.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, March 14, 1898.

I. By direction of the Secretary of War, paragraph 512 of the Regulations is amended to read as follows:

512. Printed letter and note headings for department headquarters will contain only the designation of the headquarters, the office to which the

correspondence pertains, post-office address, and blank date. Those for posts, regiments, and schools of instruction will contain only the designation of the post, regiment, or school, post-office address, and blank date. Names of officers or other persons will not be printed on letter or note headings for use in any branch of the military service.

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GENERAL ORDERS, No. 11.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, March 23, 1898.

By direction of the Secretary of War, paragraphs 857, 858, 859, and 860 of the Regulations are amended to read as follows:

857. The sphere of inquiry of the Inspector-General's Department includes every branch of military affairs except when specially limited in these regulations or in orders. Inspectors-general and acting inspectors-general will exercise a comprehensive and general observation within the command to which they may be respectively assigned, over all that pertains to the efficiency of the Army, the condition and state of supplies of all kinds, of arms and equipments, of the expenditure of public property and moneys, and the condition of accounts of all disbursing officers of every branch of the service, of the conduct, discipline, and efficiency of officers and troops, and report with strict impartiality in regard to all irregularities that may be discovered. From time to time they will make such suggestions as may appear to them practicable for the correction of any defect that may come under their observation.

858. Inspectors-general, or acting inspectors-general, assigned to a military department, are under the immediate direction of its commanding general; when not so assigned, they are solely under the orders of the Secretary of War, or the General Commanding the Army. They will make the general inspections within the limits of the respective departments, and will each be allowed the necessary clerks and one messenger, who will be assigned by the Secretary of War.

859. Inspectors-general and acting inspectors-general will report by letter on arriving at their stations to the Inspector-General at the War Department; they will furnish him copies of all orders and written instructions received for tours of inspection, with a report of the dates of departure from, and return to, their posts in obedience thereto; and thereafter, on the last day of each month, will report direct to him their addresses and the duties they have performed during the month. Correspondence in the Inspector-General's Department, between the head thereof and officers serving therein, will be direct, for the purpose of instruction and information with respect to the discharge of their duties; not, however, extending to matters of administration pertaining to military commanders.

860. An inspector-general or acting inspector-general will make known his orders or instructions to commanding and other officers whose troops and affairs he is directed to inspect, and these officers will see that every facility and assistance, including clerical aid, if requested, is afforded.

GENERAL ORDERS, No. 13.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, March 28, 1898.

By direction of the Secretary of War, the following paragraphs are added to the Regulations, viz:

212*a*. The flag of the President shall be of scarlet bunting, measuring 13 feet fly and 8 feet hoist, having a hem on the hoist 3 inches wide and provided with an eyelet at each end for hoisting and lowering. In each of the four corners shall be a five-pointed white star with one point upward. The points of these stars lie in the circumference of an imaginary circle of 5 inches radius. The centers of these imaginary circles, which coincide with the centers of these stars, are 18 inches from the short sides and 14 inches from the long sides of the flag. In the center of the flag shall be a large fifth star, also of five points, which lie in the circumference of an imaginary circle of 2 feet 9 inches radius. The center of this circle is the point of intersection of the diagonals of the flag. The reentering angles of this large star lie in the circumference of an imaginary circle of 16 inches radius, with the same center as before. Inside of the star thus outlined is a parallel star, separated from it by a band of white 3 inches wide. This inner star forms a blue field upon which is the official coat of arms of the United States as determined by the State Department, the device being located by placing the middle point of the line dividing the chief from the paleways of the escutcheon upon the point of intersection of the diagonals of the flag, and thus coinciding with the center of the large center star. On the scarlet field around the large star are other white stars, one for each State, equally scattered in the reentering angles, and all included within the circumference of a circle of 3 feet 3 inches radius, whose center is the center of the large star.

COLORS.

For the President.

214*b*. Of scarlet silk, 6 feet 6 inches fly and 4 feet on the pike, which shall be 10 feet long, including ferrule and head. The head shall consist of a globe, 3 inches in diameter, surmounted by an American eagle, alert, 4 inches high. In each of the four corners shall be a five-pointed white star. The points of these stars lie in the circumference of an imaginary circle of 2½ inches radius. The centers of these imaginary circles, which coincide with the centers of these stars, are 9 inches from the short sides and 7 inches from the long sides of the color. In the center of the color shall be a large fifth star, also of five points, which lie in the circumference of an imaginary circle of 16½ inches radius. The center of this circle is the point of intersection of the diagonals of the color. The reentering angles of this large star lie in the circumference of an imaginary circle of 8 inches radius, with the same center as before. Inside of the star thus outlined is a parallel star, separated from it by a band of white 1½ inches wide. This inner star forms a blue field, upon which is the official coat of arms of the United States as determined by the State Department, the device being located by placing the middle point of the line dividing the chief from the paleways of the escutcheon upon the point of intersection of the diagonals of the color, and thus coinciding with the center of the large center star. On the scarlet field around the large star are other white stars, one for each State, equally

scattered in the reentering angles and all included within the circumference of a circle of 19½ inches radius, whose center is the center of the large star. The design, letters, figures, and stars are to be embroidered in silk, the same on both sides of the color. The edges of the color are to be trimmed with knotted fringe, of silver and gold, 3 inches wide, and one cord (having two tassels) 8 feet 6 inches long and made of red, white, and blue silk intermixed.

GENERAL ORDERS, No. 21.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, April 20, 1898.

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II. The following joint resolution of Congress is published for the information and government of all concerned:

JOINT RESOLUTION relative to suspension of part of section three hundred and fifty-five of Revised Statutes, relative to the erection of forts, fortifications, and so forth.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in case of emergency when, in the opinion of the President, the immediate erection of any temporary fort or fortification is deemed important and urgent, such temporary fort or fortification may be constructed upon the written consent of the owner of the land upon which such work is to be placed; and the requirements of section three hundred and fifty-five of the Revised Statutes shall not be applicable in such cases.

Approved, April 11, 1898.

(*A. R., 703.*)

GENERAL ORDERS, No. 27.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, April 27, 1898.

I. The following order has been received from the War Department:

WAR DEPARTMENT, *Washington, April 27, 1898.*

By direction of the President, and to carry out the provisions of an act for the better organization of the line of the Army of the United States, approved April 26, 1898, a third battalion will be established for each infantry regiment; and company, troop, and battery organizations provided for in that act will be recruited to their war strength.

R. A. ALGER, *Secretary of War.*

II. By direction of the Secretary of War, immediate measures will be taken to recruit the regiments of the Regular Army and the Battalion of Engineers, as follows:

1. The commanding officers of infantry regiments will transfer to Companies I, K, L, and M, from other companies of their regiments, a sufficient number of noncommissioned officers and men to assure the prompt organization of these companies. The total number of men transferred to each of the new companies should be not less than twenty, and they should be selected with reference to their ability to assist in the instruction of recruits.

2. The commanding officers of cavalry regiments will transfer to Troops L and M, from other troops of their regiments, a sufficient number of noncommissioned officers and men to assure the prompt organization of these troops. The total number of men transferred to each of the new troops should be not less than twenty, and they should be selected with reference to their ability to assist in the instruction of recruits and the training of horses.

3. Every proper effort will be made by the regimental commanders to recruit their regiments, under the provisions of A. R. 856, to the legal strength. The enlistments will be governed by the provisions of Circular No. 3, Adjutant-General's Office, November 12, 1895, paragraphs 2, 3, 4*b*, and 6.

The limit for each company of infantry is: One first sergeant, one quartermaster-sergeant, four sergeants, twelve corporals, two musicians, one artificer, one wagoner, and eighty-four privates; total enlisted, one hundred and six.

The limit for each troop of cavalry is: One first sergeant, one quartermaster-sergeant, six sergeants, eight corporals, two farriers and blacksmiths, two trumpeters, one saddler, one wagoner, seventy-eight privates; total enlisted, one hundred.

The limit for each battery of heavy artillery is: One first sergeant, twenty-two sergeants, ten corporals, two musicians, two artificers, one wagoner, one hundred and sixty-two privates; total enlisted, two hundred.

The limit of each battery of field artillery is: One first sergeant, one quartermaster-sergeant, one veterinary sergeant, six sergeants, fifteen corporals, two farriers, two artificers, one saddler, two musicians, one wagoner, one hundred and forty-one privates; total enlisted, one hundred and seventy-three.

4. Regimental commanders are authorized to send recruiting parties into any territory not already occupied by parties from other organizations of the same arm, having due regard to economy in transportation. Each recruiting officer thus detailed will also be an acting quartermaster.

5. Arrangements will be made through the Quartermaster's Department, when necessary, for renting under emergency agreements suitable quarters for temporary recruiting stations and the furnishing of supplies therefor. Arrangements will also be made with the proper officers of the Subsistence Department for the subsistence of recruiting parties and recruits.

6. Requisitions for the necessary clothing, arms, equipments, and horses will be made at once. Where it is practicable to obtain these supplies without great delay, in whole or in part, from posts recently garrisoned by regiments, commanding officers will take the necessary action for securing them, in order to avoid unnecessary requisitions upon supply departments at this time.

7. Regimental enlistments under this order will be supplemented by general service recruits, as follows:

(*a*) General service recruiting officers, whether at city stations or posts, will make enlistments for their own regiments to fill vacancies therein, and will send soldiers thus enlisted with the least practicable delay, in small detachments, to points indicated by the respective regimental commanders. Such enlistments will be governed by the provisions of Circular No. 3, Adjutant-General's Office, November 12, 1895, paragraphs 1, 3, 4*a*, 5, and 6.

(*b*) Other assignments of recruits from general recruiting stations and rendezvous will be made by the Adjutant-General, when necessary, under A. R. 849.

8. When a regiment approaches the maximum limit, the regimental commander will notify the officers recruiting therefor, and also the Adjutant-General, in order to prevent enlistments for or assignments to the regiment which would carry it above the legal strength.

9. The general service recruiting officers at Boston, Mass., New York City and Albany, N. Y., Philadelphia, Pa., Baltimore, Md., and Louisville, Ky., will make enlistments for the Battalion of Engineers, to fill vacancies therein of which they may be notified, from time to time, by the battalion commander, and will send soldiers thus enlisted, in small detachments, to such points as may be indicated by him. Such enlistments will be governed by the provisions of Circular No. 3, Adjutant-General's Office, November 12, 1895, paragraphs 1, 3, 4*a*, 5, and 6.

The limit for each company of engineers is: One first sergeant, ten sergeants, ten corporals, two musicians, sixty-four first-class privates, sixty-three second-class privates; total enlisted, one hundred and fifty. (*A. R.*, *849*, *856*.)

GENERAL ORDERS, No. 28.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, April 28, 1898.

By direction of the Secretary of War, the following is published to the Army for the information and guidance of all concerned:

As the summary court is, by the act of Congress establishing it, limited to "time of peace," and by the eightieth article of war is replaced "in time of war" by the field officer's court; and this being "time of war," within the meaning of the eightieth article of war, the summary court will be discontinued and the eightieth article of war carried into effect. (*A. W.*, *80*.)

GENERAL ORDERS, No. 29.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, April 29, 1898.

The following act and joint resolution of Congress are published for the information and government of all concerned:

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SEC. 6. That in time of war the pay proper of enlisted men shall be increased twenty per centum over and above the rates of pay as fixed by law: *Provided*, That in war time no additional increased compensation shall be allowed to soldiers performing what is known as extra or special duty: *Provided further*, That any soldier who deserts shall, besides incurring the penalties now attaching to the crime of desertion, forfeit all right to pension which he might otherwise have acquired.

(*A. R.*, *165*.)

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GENERAL ORDERS, No. 32.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, May 3, 1898.

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II. By direction of the Secretary of War, the following paragraph is added to the Army Regulations:

1550*a*. In time of war officers on the active list of the Army while on duty will wear the uniform of their grade.

GENERAL ORDERS, No. 36.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, May 7, 1898.

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II. By direction of the Secretary of War, the following is published to the Army for the information and guidance of all concerned:

TREASURY DEPARTMENT, *May 4, 1898.*

* * * * * * *

Pursuant to the authority conferred upon the Secretary of the Treasury by section 12 of the act of July 31, 1894, to make orders in particular cases relaxing the requirement of mailing or otherwise sending accounts to the proper officer at Washington within 10 or 20 days when there is, or is likely to be, a manifest physical difficulty in complying with the law, it is hereby ordered that during the continuance of the existing war with Spain, the requirements as to the rendition of the accounts of disbursing officers of the War Department for expenses pertaining to the military establishment be relaxed to the following extent:

Monthly accounts may be rendered to the proper officer at Washington within 20 days after the end of the month to which they relate.

Quarterly and other accounts may be rendered to the proper officer at Washington within 40 days after the period to which they relate.

L. J. GAGE, *Secretary.*

(*A. R., 627.*)

GENERAL ORDERS, No. 40.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, May 10, 1898.

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II. By direction of the Secretary of War, it is announced that men enlisted or reenlisted in the Regular Army *during the war* may be informed that they will be granted their discharges, if desired at the close of the war, upon their individual applications. (*A. R., 140.*)

GENERAL ORDERS, No. 45.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, May 16, 1898.

I. The following order of the Secretary of War is published for the information and guidance of all concerned:

Tenders of resignation by volunteer officers in the United States service to receive attention must be submitted in writing, through the proper channel, to the Adjutant-General of the Army, for the consideration and action of the Secretary of War, or the President. (*A. R., 77.*)

II. By direction of the Secretary of War, paragraph 115 of the Regulations is amended to read as follows:

115. When a soldier deserts, a board of survey will be called by the regimental commander to ascertain whether he has lost or abstracted any articles of Government property, and if so, to determine the money value of the same. The value of the articles thus found to be missing will be charged against the deserter on the next muster and pay roll of his company, which will be accompanied by a copy of the board's report. A copy of so much of the proceedings as relates to the property charged on any roll will accompany the return to which the property pertains. The board will also fully investigate the circumstances attending desertion, especially the causes

which induced it, and make a separate report in each case of its investigation and conclusions thereon, which will be transmitted to corps or department headquarters through intermediate channels.

GENERAL ORDERS, No. 49.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, May 19, 1898.

By direction of the Secretary of War, paragraphs 926 and 929 of the Regulations are amended to read as follows:

926. The commanding officer of a post where a general court-martial is convened will, at the request of any prisoner who is to be arraigned, detail as counsel for his defense a suitable officer, one not directly responsible for the discipline of an organization serving thereat, nor acting as a summary court. If there be no such officer available the fact will be reported to the appointing authority for action. An officer so detailed should perform such duties as usually devolve upon counsel for defendant before civil courts in criminal cases. As such counsel he should guard the interests of the prisoner by all honorable and legitimate means known to the law, so far as they are not inconsistent with military relations.

929. Whenever a soldier is convicted of an offense for which a discretionary punishment is authorized, the court will receive evidence of previous convictions, if there be any; such evidence being limited, except in the case of desertion, to previous convictions by courts-martial of any offense or offenses within one year preceding the arraignment and during the current enlistment. General, regimental, and garrison courts-martial will, after a finding of guilty, be opened for the purpose of ascertaining whether there is such evidence and, if so, of receiving it. Previous convictions by courts-martial must be proved by the records of previous trials and convictions, or by duly authenticated copies of such records, or by duly authenticated copies of the order promulgating such trials. The usual evidence of previous convictions by summary court is the copy of a summary court record furnished to company and other commanders, as required by paragraph 932, Army Regulations, or one furnished for the purpose, and certified to be a true copy by the post commander or adjutant. When the proof produced is the copy furnished to the company or other commander, it will be returned to him and a copy of it attached to the record of the general, regimental, or garrison court trying the case. Charges forwarded to the authority competent to order a general court-martial, or submitted to a summary, garrison, or regimental court-martial, must be accompanied by the proper evidence of previous convictions.

GENERAL ORDERS, No. 56.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, May 27, 1898.

I. By direction of the Secretary of War, the following is published to the Army for the information and guidance of all concerned:

Enlisted men belonging to different regiments or distinct organizations will not be mustered on the same roll. Separate rolls must be prepared,

one roll for the members of each regiment or organization. The provisions of A. R. 785 will be strictly adhered to in this particular.

These instructions will also govern in the preparation of pay rolls.

This order will not apply, however, to patients in the United States general hospitals. The surgeon in charge of each will be governed by special instructions communicated direct.

II. By direction of the Secretary of War, paragraph 866 of the Regulations is amended to read as follows:

STATED INSPECTIONS.

866. The annual inspection of the Soldiers' Home in the District of Columbia will be made by the Inspector-General of the Army, in person, as required by law; and that of the National Home for Disabled Volunteer Soldiers, its records, disbursements, management, discipline, and condition, will be made by an officer of his department under the provisions of the act of Congress approved August 18, 1894, who will report in writing, through the Inspector-General of the Army, to the Secretary of War, the results of such inspection.

GENERAL ORDERS, No. 58.

HEADQUARTERS OF THE ARMY, ADJUTANT-GENERAL'S OFFICE, *Washington, May 31, 1898.*

I. By direction of the Secretary of War, the following is published to the Army for the information and guidance of all concerned:

Enlisted men of the volunteer organizations may be transferred to the Hospital Corps of the Regular Army by the commanding general of the army corps in which the soldier is serving, upon the recommendation of the chief surgeon of the corps.

The provisions of Army Regulations governing the Hospital Corps so far as they are inapplicable in time of war and with troops in the field are hereby suspended during the existence of such conditions.

The commander of an army corps, or of a division or brigade acting independently of a corps, is charged with the full control of the transfer from the line, the enlistment, reenlistment, and discharge of members of the Hospital Corps of his command, with the detail of acting hospital stewards, and the appointment of hospital stewards.

Acting hospital stewards will be detailed from privates of the Hospital Corps who are recommended by their medical officers as possessing the necessary qualifications. Hospital stewards will be appointed from acting hospital stewards who are recommended by their medical officers and who have served not less than three months in the Hospital Corps and are approved by a board of not less than three medical officers.

Enlistment papers in duplicate, examination forms, and outline figure cards for members of the Hospital Corps will be forwarded to the Surgeon-General's Office, as now required, and monthly reports will be made by the chief surgeon of the corps, or division if acting independently, showing the number of stewards, acting stewards, and privates on duty, the names of men transferred from the line, of those enlisted or reenlisted, discharged, died, detailed acting hospital steward, or appointed hospital steward. (*Art. LXXXI.*)

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II. By direction of the Secretary of War, when recruits of the Hospital Corps are sent to posts or stations, recruiting officers will forward in each case the descriptive and assignment card required by Army Regulation 850 for the line of the Army.

GENERAL ORDERS, No. 65.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, June 7, 1898.

I. By direction of the Secretary of War, paragraph 1301 of the Regulations is amended to read as follows:

PAYMENTS TO OFFICERS.

1301. The following officers, in addition to those whose pay is fixed by law, are entitled to pay as mounted officers: Officers of the staff corps below the rank of major, officers serving with troops of cavalry, officers of a light battery duly organized and equipped, authorized aids duly appointed, officers serving with companies of mounted infantry, and officers on duty which in the opinion of the department commander requires them to be mounted and so certified by the latter on their pay vouchers. Acting judge advocates of military departments, duly detailed, are entitled, while so serving, to the rank, pay, and allowances of captains of cavalry. Battalion adjutants are entitled to mounted pay upon the certificate of their regimental commanders that they are on duty which requires them to be mounted.

II. By direction of the Secretary of War, the following is published to the Army for the information and guidance of all concerned:

The article of salmon (canned) is, by authority of the President, under section 1146, Revised Statutes, added as one of the meat components of the ration, at the rate of 16 ounces to the ration. Ordinarily fresh beef will be issued six days in ten; salt meats three days in ten; and canned salmon one day in ten. These proportions of the meat ration may, however, be varied by commanding officers, according to the necessities of the service on which troops may be engaged. (*A. R. 1253.*)

GENERAL ORDERS, No. 70.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, June 16, 1898.

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II. By direction of the Secretary of War, the following paragraph is added to the Regulations, viz:

1349*a*. So far as relates to disbursements at the Philippine Islands and other points, including Alaska, beyond the boundaries of the United States proper and for the convenience of the paymaster in obtaining ready money, as well as for the accommodation of both officers and men at such distant places, a check may be drawn for a portion of the pay due the soldier (or officer), in which case it will be drawn in favor of the soldier (or officer), and the object or purpose will be stated as "part pay for month of ——;" if for any sum which the soldier (or officer) may desire in exchange for money after he has been paid, the check will be drawn by the paymaster

in favor of himself and indorsed by him payable to the order of the soldier (or officer), and the object or purpose will be stated as "to obtain cash to make payments at a distance from a depository."

GENERAL ORDERS, No. 71.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, June 17, 1898.

By direction of the Secretary of War, the following instructions are published for the information and guidance of recruiting officers of the Army, both Regulars and Volunteers:

In the absence of a commissioned medical officer or contract surgeon, recruiting officers are authorized to employ a civilian physician to make the examination of recruits preceding enlistment required by Army Regulations, at a compensation of 40 cents for each man thus examined.

Such of the provisions of paragraphs 842 and 1458 of the Army Regulations, and of Circular Letters, Adjutant-General's Office, May 25, 1896, and June 3, 1898, as are inconsistent with the foregoing are suspended during the war.

GENERAL ORDERS, No. 72.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, June 21, 1898.

By direction of the Secretary of War, the following orders are promulgated to the Army for the information and guidance of all concerned:

1. After every battle or engagement with the enemy, written reports thereof will be made by commanders of regiments, separate battalions or squadrons, companies or detachments, and by all commanders of a higher grade, each in what concerns his own command, which reports will be forwarded, through the proper channel, to the Adjutant-General of the Army.

2. Commanding officers of all detached or independent batteries, troops, or companies, in the field, will forward a monthly company return *direct* to the Adjutant-General of the Army.

3. In order that the War Department may be in possession of the latest information respecting the Army, all returns, muster rolls, etc., will be promptly forwarded when due. (*A. R., 790, 797, 1466.*)

GENERAL ORDERS, No. 74.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, June 22, 1898.

The attention of the Department having been called to the fact that efforts have been made to cause the condemnation of Springfield rifles, caliber .45, because in some cases they require cleaning or slight repairs that can be made in the field, and that many of these arms have had but little service of a kind that could injure their accuracy or firing qualities, the Secretary of War directs that when arms are presented for inspection with a view to condemnation strict attention be paid to paragraph 884 of the Regulations, which prescribes that public property in use will not

be reported as unserviceable nor condemned by an inspector merely because worn or shabby in appearance, when really strong and serviceable. (*A. R.*, *884*.)

GENERAL ORDERS, No. 77.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, June 23, 1898.

I. The following order of the Secretary of War is published for the information and guidance of all concerned:

The commander of a volunteer regiment will appoint the adjutant and the quartermaster thereof, and will report such appointments at once, when made, to the Adjutant-General of the Army. Such appointments will not be antedated, and the officers appointed will be entitled to the pay pertaining thereto from the date they assume their duties under such appointment, respectively. Paragraph 233 of the Regulations is modified accordingly in respect to volunteer regiments mustered into the service of the United States.

II. By direction of the Secretary of War, the following syllabus of the opinion of the Comptroller of the Treasury, relative to extra or special duty pay, is published for the information and guidance of all concerned:

The act of Congress, approved April 26, 1898, increased the pay proper of all enlisted men in war time, and then provided that it should not be further increased by what is known as extra pay for extra or special duty, thus cutting off the extra-duty pay of all soldiers, no matter where they may be employed.

The act of May 4, 1898, making an appropriation for extra-duty pay for certain enlisted men in the Quartermaster's Department, does not authorize their pay for extra duty in war time, and therefore the appropriation for extra-duty pay in said act can not be used for extra or special duty during such time.

After the war ceases, should it cease before the time in which the appropriation shall continue available, to wit, January 1, 1899, it will then, and then only, be available for the payment of extra-duty pay for such extra duty as may be performed after the war ceases. (*A. R.*, *165*.)

III. By direction of the Secretary of War, the following paragraph is added to the Army Regulations:

225*a*. No ensign, pennon, streamer, or other banner of any kind, other than the flags, colors, standards, pennants, and guidons prescribed by the Army Regulations, will be used by the Army, or by any regiment or other organization thereof.

GENERAL ORDERS, No. 78.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, June 24, 1898.

I. The following instructions of the Secretary of War are published for the information and guidance of all concerned:

Commanders of military departments in which United States Volunteer troops are serving, in rendering the monthly returns of their departments, under the requirements of paragraph 789 of the Regulations, will make

separate returns each month of the volunteer troops and those of the United States Army, respectively, serving in their commands.

II. By direction of the Secretary of War, paragraph 46 of the Regulations (General Orders, No. 46, Adjutant-General's Office, July 14, 1897) is amended to read as follows:

46. A division commander may grant leaves for ten days, a corps or department commander for one month, and the Commanding General of the Army for four months; or they may extend to such periods those granted by subordinate commanders. Applications for leaves of more than four months' duration, or from officers of the staff corps and departments for more than one month, or from department commanders desiring leaves of absence to pass beyond the territorial limits of their commands, will be forwarded to the Adjutant-General of the Army for the action of the Secretary of War.

GENERAL ORDERS, No. 79.

HEADQUARTERS OF THE ARMY, ADJUTANT-GENERAL'S OFFICE, *Washington, June 25, 1898.*

I. By direction of the Secretary of War, paragraph 879 of the Regulations is amended to read as follows:

879. Officers will prepare and sign in triplicate, on blank forms furnished by the Inspector-General of the Army, inventories of public property requiring inspection, and present them, with the property, to the inspector-general or acting inspector-general at the time of his annual visit. In the case of property in the field, of rapidly deteriorating subsistence stores, or of unserviceable public animals, such inventories will be prepared when necessary, and unless the time of the visit of an inspector be near at hand, one copy will be forwarded to the commander of the department or army corps or division in the field. Public animals will be inventoried singly, with a brief description of color, sex, age, and distinguishing marks.

GENERAL ORDERS, No. 80.

HEADQUARTERS OF THE ARMY, ADJUTANT-GENERAL'S OFFICE, *Washington, June 27, 1898.*

The following act of Congress is published for the information and guidance of all concerned:

AN ACT to amend an Act entitled "An Act to promote the administration of justice in the Army," approved October first, eighteen hundred and ninety, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to promote the administration of justice in the Army," approved October first, eighteen hundred and ninety, as supplemented and amended by subsequent legislation, be, and the same is hereby, amended so as to read as follows:

"That the commanding officer of each garrison, fort, or other place, regiment or corps, detached battalion, or company, or other detachment in the Army, shall have power to appoint for such place or command, or in his discretion for each battalion thereof, a summary court to consist of one officer to be designated by him, before whom enlisted men who are to be tried for offenses, such as were prior to the passage of the Act 'to promote the administration of justice in the Army,' approved October first, eighteen hundred and ninety, cognizable by garrison or regimental courts-martial, and offenses cognizable by field officers detailed to try offenders under the provisions of the eightieth and one hundred and tenth

articles of war, shall be brought to trial within twenty-four hours of the time of the arrest, or as soon thereafter as practicable, except when the accused is to be tried by general court-martial; but such summary court may be appointed and the officer designated by superior authority when by him deemed desirable; and the officer holding the summary court shall have power to administer oaths and to hear and determine such cases, and when satisfied of the guilt of the accused adjudge the punishment to be inflicted, which said punishment shall not exceed confinement at hard labor for one month and forfeiture of one month's pay, and, in the case of a noncommissioned officer, reduction to the ranks in addition thereto; that there shall be a summary court record kept at each military post and in the field at the headquarters of the proper command, in which shall be entered a record of all cases heard and determined and the action had thereon; and no sentence adjudged by said summary court shall be executed until it shall have been approved by the officer appointing the court, or by the officer commanding for the time being: *Provided*, That when but one commissioned officer is present with a command he shall hear and finally determine such cases: *And provided further*, That no one while holding the privileges of a certificate of eligibility to promotion shall be brought before a summary court, and that noncommissioned officers shall not, if they object thereto, be brought to trial before summary courts without the authority of the officer competent to order their trial by general court-martial, but shall in such cases be brought to trial before garrison, regimental, or general courts-martial, as the case may be."

SEC. 2. That articles eighty and one hundred and ten of the Rules and Articles for the Government of the Armies of the United States be, and the same are hereby, repealed.

SEC. 3. That the commanding officers authorized to approve the sentences of summary courts and superior authority shall have power to remit or mitigate the same.

SEC. 4. That post and other commanders shall, in time of peace, on the last day of each month, make a report to the department headquarters of the number of cases determined by summary court during the month, setting forth the offenses committed and the penalties awarded, which report shall be filed in the office of the judge advocate of the department, and may be destroyed when no longer of use.

SEC. 5. That soldiers sentenced by court-martial to dishonorable discharge and confinement shall, until discharged from such confinement, remain subject to the Articles of War and other laws relating to the administration of military justice.

SEC. 6. That it shall be lawful for any civil officer having authority under the laws of the United States, or of any State, Territory, or District, to arrest offenders, to summarily arrest a deserter from the military service of the United States and deliver him into the custody of the military authority of the General Government.

SEC. 7. That this Act shall take effect sixty days after its passage.

Approved, June 18, 1898.

By the foregoing act the field officer's court is abolished and the summary court substituted for it, to take effect August 17, 1898. The summary court will thereafter be legal, both in time of peace and war.

Summary court blanks will be issued by the Adjutant-General's Office. (*A. W.*, *80*, *110*.)

GENERAL ORDERS, No. 81.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, June 27, 1898.

By direction of the Secretary of War, the following instructions relating to the inspection service of the armies in the field are published for the information and guidance of all concerned:

1. Inspecting officers, selected when practicable from the inspectors-general of the Regular or Volunteer Army, are assigned by the War Department to the headquarters of geographical departments, and to the headquarters of armies and army corps in the field, and by the commanding generals thereof to divisions.

In the absence of such assignment, and to fill temporary vacancies, commanding generals of armies, army corps, divisions, and geographical departments may detail officers from their commands for such duty, reporting

their action to the Adjutant-General of the Army for the information of the War Department, subsequently to be transmitted to the Inspector-General of the Army for record.

2. In order to discharge his duties efficiently, an inspector should make himself familiar with everything relating to the different branches of the service within the scope of his investigations. Industrious attention must therefore be given by him to the study of the regulations and laws for the government of the Army, the systems of instruction, and the general principles of the military profession. The sphere of inquiry of an inspector includes every branch of military affairs except when specially limited in orders, or by the Army Regulations.

3. Upon arriving at his station an inspector-general or acting inspector-general will report to the commanding general in person and by letter to the Adjutant-General of the Army, and thereafter will report to him monthly the inspections and investigations made by him; to this end he will keep a record of the various services performed and the dates thereof. The attention of inspectors is especially called to Articles LVII, LVIII, and LXXII, Army Regulations.

4. An inspector-general or acting inspector-general will make known his orders or instructions to commanding or other officers, whose troops and affairs he is directed to inspect, and these officers will see that every facility and assistance, including clerical aid and the use of an orderly, are provided if requested. If ordered to investigate accusations prejudicial to the character of an officer, he will make known their nature to the officer and give him an opportunity to make his own statement in writing, which he will append to his report. Harmony as well as justice to the individual and the public require that such reports be maintained inviolably confidential and that they should not of themselves be made the basis of official proceedings. In the investigation of misconduct or attempt to defraud the Government on the part of any officer or agent of the United States, the inspector is authorized to administer oaths to witnesses. Inspection reports of troops, of disbursements, money accounts, and unserviceable property will be rendered on the prescribed forms and will be *submitted to the officer ordering the inspection.*

5. An inspector-general or acting inspector-general will not give orders unless specially authorized to do so, and then only in the name of the superior giving such authority. He will report with strict impartiality all irregularities coming under his notice, as well as the remedies applied to correct them, and will refrain from informal conversation or comment upon subjects of inspection or investigation. When in the course of an inspection an inspector obtains confidential information respecting matters affecting the public service, he will communicate such information in an oral or written special report.

6. All nonconfidential inspection reports will be forwarded through regular channels to the Adjutant-General of the Army, for transmittal to the Inspector-General of the Army. When irregularities, deficiencies, or misconduct are reported, the several commanders will state, in forwarding the reports, what remedies have been or will be applied to correct them.

7. Inspectors will make written memoranda on the spot of every defect, irregularity, or neglect observed during their inspections; also any particular excellence which may strike their attention.

INSPECTION OF TROOPS.

8. Inspection of troops will be conducted as prescribed in the authorized drill regulations and, when the command consists of more than one company, will be preceded by a review when practicable.

All officers and enlisted men, except the guard, the sick, and one cook per company, will be present at inspection under arms.

The inspector will ascertain and report whether there be any officers or enlisted men in excess of the prescribed organizations; absentees will be accounted for and the precise status of all officers stated; he will critically observe and report upon the military bearing and appearance of the troops and their discipline; whether regularly mustered and paid and the date of last payment; whether parades, guard mounting, and roll calls are in proper form; whether company, battalion, and regimental inspections are frequently and regularly made, and by whom; the condition of the arms, accouterments, field equipments, and uniforms: the gun carriages, implements, equipments of batteries; of riding equipments and harness, and whether well fitted: of horses, whether well treated, shod, and cared for, and free from disease; whether troops are fully equipped for field service, and blanket bags uniformly and properly packed; the police of tents, grounds, kitchens, and sinks; whether camps are well located, properly drained, and thoroughly policed; the condition of the water supply; the composition and instruction of camp guards, and number of prisoners; whether the troops are proficient in the different drills, advance guard, and outpost; in target practice, signaling, pitching shelter tents, first aid to the injured, and whether every officer and enlisted man has a first-aid packet; whether the required books, records, and reports are kept and rendered, and company and all public funds legitimately expended and accounted for; whether the transportation, including ambulances, stretchers, and travois, the quartermaster's, commissary's, medical, and ordnance supplies are sufficient and in good condition; the police and capacity of the hospital; number of sick and wounded, and whether they receive proper attention; the prevalance of epidemic or other diseases; whether all officers are zealous and intelligent, reporting any who are addicted to intemperance and gambling, or who frequent low company, or are incapacitated in any way for active service.

9. In the inspection of heavy artillery the inspector will report whether the batteries are assigned to guns; whether the guns, carriages, appliances, ammunition, platforms, magazines, parapets, etc., are preserved in good order; whether magazines are frequently aired and the means prescribed for locating objects and the control of the fire are in good working order.

10. In the inspection of cavalry the inspector will classify cavalry horses thus:

a. Those to be condemned as unfit for any use whatever in any branch of the service. These will be disposed of according to Army Regulations.

b. Those unfit for cavalry service, but fit for team or draft horses. These will be turned over to the Quartermaster's Department.

c. Those unfit for service but susceptible of recuperation by timely treatment.

d. Servicable horses.

The number of each class will be given in every report of inspection.

11. Bearing in mind the specialties of each arm, the inspector will test

the infantry and cavalry in making an attack over a distance of at least 1,000 to 1,500 yards, against an enemy, either indicated or represented; in the proper disposition of advance and rear guards, on the march, at a halt, and when attacked; in the formation of an outpost according to the cordon or group system, or both.

In the inspection of field batteries they should be required to advance rapidly and take up a position to attack or defend some point; the inspector will note whether the batteries are properly subdivided for marching and action, and whether the reserve, train, etc., are judiciously located. Similarly, in the inspection of the heavy artillery the entire garrison should be disposed for battle, a squadron of the enemy will be assumed, the leading ship being represented by some vessel approaching or leaving the harbor; skill in aiming, the efficiency of fire control, supply of ammunition, and all the appliances of the defense will be tested, the object of this and the other inspections of troops being to determine the degree of their preparation for active service.

These exercises being of paramount importance will have precedence over the drills when time is pressing.

In the inspection of permanent posts and garrisons the scope of the inspection and report will conform to the requirements of prescribed memoranda and the Army Regulations covering that subject.

INSPECTION OF ADMINISTRATION, DISBURSEMENTS, AND ACCOUNTS.

12. In making these inspections the inspector will inquire as to the necessity, economy, and propriety of all disbursements, their strict conformity to the law appropriating the money and whether the disbursing officers comply with the law and regulations in keeping the public funds, their accounts, and making their disbursements and deposits. The disbursing officer will prepare a statement of his accounts on Form 3, Inspector-General's Department, together with a list of outstanding checks, Form 3*a*. The inspector will verify the statement from the cash book, treasury receipts, vouchers, etc., and compare the vouchers with the check stubs and depository statements, and will count the cash on hand. It will be observed whether or not disbursing officers are familiar with their duties, and are prompt, accurate, and courteous in conducting their business; whether issues and payments are made strictly in compliance with law, and whether any unauthorized funds are kept. Persons employed and things hired will be seen as far as practicable and the necessity for their employment and hire established.

INSPECTION OF PROPERTY FOR CONDEMNATION.

13. This duty will be performed by inspectors-general or acting inspectors-general, assisted when necessary by such officers as may be specially detailed for the purpose. The attention of inspectors is directed to paragraphs 878–889, Army Regulations, which will govern in making these inspections. Whenever a want of proper care in the preservation of Government property comes to the knowledge of the inspector, he will report the fact. All reports of inspection of property will be submitted by the inspector through his immediate commander to the officer empowered to order final disposition of the property.

Inspectors will state in their reports of damaged or inferior quartermaster,

commissary, or medical stores, the source from which they were obtained, and, when practicable, the names of the officers or inspectors who furnished and passed the articles so reported.

The necessary blank forms, which have the force and effect of Army Regulations, will be furnished by the Inspector-General of the Army. (*A. R., 874, Art. LVII.*)

GENERAL ORDERS, No. 82.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, June 27, 1898.

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II. By direction of the Secretary of War, the following is published to the Army for the information and guidance of all concerned:

During the existing war the commanding officers of engineer companies, who are serving with their companies away from the headquarters of the Battalion of Regular Engineers, are authorized to appoint sergeants, corporals, and first-class privates of their companies, and, when necessary, to reduce such enlisted men to the lower grades. This authority, however, will not affect the status of enlisted men who are not serving with these companies.

Noncommissioned officers of permanent independent volunteer batteries or companies will be appointed by the commanding officers thereof, and will be furnished with a certificate of rank signed by the battery or company commander. When these organizations are independent only temporarily, the commanding officer will make temporary appointments of noncommissioned officers and the permanent appointments will be made in the regular way when they are formed into regiments. (*A. R., 257.*)

III. By direction of the Secretary of War, men who are sick in the division or brigade hospitals of their command, at date of muster, will be mustered on the muster rolls and the pay rolls of the organization to which they belong as "present," with the remark "sick in division or brigade hospital." If the organization to which they belong be detached from the corps, division, or brigade, they will be mustered on detachment rolls (Form No. 2), a separate roll being prepared for each regiment. See Note 1 on the rolls and A. R. 785, the provisions of which must be strictly observed.

IV. The following decision is published to the Army for the information of all concerned:

COLORS AND STANDARDS.—It being found impracticable to embroider the colors and standards for the several volunteer organizations, as required by paragraphs 215, 216, 217, and 218, Army Regulations, so as to be available at an early period, the colors and standards shall be inscribed either in gold or painted in imitation of embroidery.

GENERAL ORDERS, No. 87.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, July 2, 1898.

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II. With a view to avoid extreme suffering among wounded horses or mules on the field of battle, it is hereby ordered that a veterinary surgeon,

or some other person detailed by the commanding officer, will accompany troops in an engagement, whose duty it will be to put an end to the agonies of all horses or mules that in his judgment are suffering to a degree requiring such action on his part. (*A. R., 708.*)

GENERAL ORDERS, No. 91.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, July 8, 1898.

By direction of the Secretary of War, paragraphs 878, 882, and 888 of the Regulations are amended to read as follows:

878. Inspections having in view the condemnation of property will be made by inspectors-general, acting inspectors-general, or officers specially designated by the commander of a department, the commander of an army corps or army in the field, or higher authority. Officers designated for the foregoing purpose shall not be in any way connected with the staff department or corps, the post, or particular organization to which the property to be inspected pertains, except in case of unserviceable public animals or of small quanties of rapidly deteriorating subsistence stores unfit for sale or issue to troops, but not worthless, if delay would entail loss to the Government.

882. Inspectors will examine all property properly presented for condemnation. When all property presented has been destroyed in the presence of the inspector, one inventory will be forwarded by the inspecting officer through department or army corps headquarters to the Inspector-General of the Army and the others will be delivered to the accountable officer. In cases in which the inspector recommends the sale of any property or its transfer to depots, he will forward all the inventories to department or army corps headquarters, and if the inspector's action is approved by the department or army corps commander, except as provided in paragraphs 1525 and 1526, two will be returned to the accountable officer and the other forwarded to the Adjutant-General of the Army to be transmitted to the Inspector-General of the Army, and, in similar cases, when the accountable officer is not serving under the department or army corps commander and all the property has been destroyed in the presence of the inspector, one copy of the inventory will be forwarded to the Inspector-General of the Army and two to the accountable officer, or if sale or transfer of the property is recommended, the inspecting officer will forward all the inventories to the Inspector-General of the Army, who will forward them to the Secretary of War, through the chief of bureau concerned; one copy will be returned to the Inspector-General and two to the accountable officer.

888. Department commanders, the commander of an army corps or army in the field, or the Commanding General of the Army, may give orders, on the reports of authorized inspectors, to sell, destroy, or make such other disposition of condemned property as the case may require, except the sale of ordnance and ordnance stores and the destruction of saddles issued by the Ordnance Department, for which the orders of the Secretary of War must be given. If the property be of considerable value, and there be good reason to suppose that it can be more advantageously applied or disposed of elsewhere than within the command, the matter will be referred to the War Department through the Adjutant-General of the Army.

GENERAL ORDERS, No. 94.

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, July 12, 1898.

I. The following act of Congress is published for the information and guidance of all concerned:

AN ACT directing the enlistment of cooks in the Regular and Volunteer armies of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized and directed to cause to be enlisted in each company, battery, and troop in the Regular and Volunteer armies of the United States, as a part of the authorized enlisted strength thereof, under rules to be prescribed by him, a competent person as cook, who shall take rank as and be allowed the pay of a corporal of the arm of the service to which he belongs, and whose duties in connection with the preparation and serving of the food of the enlisted men of the company, battery, or troop, and with the supervision and instruction of enlisted men hereby authorized to be detailed to assist him, shall be prescribed in the regulations for the government of the Army.

Approved, July 7, 1898.

II. The following instructions are published to govern the enlistment of army cooks, under the provisions of the act of Congress approved July 7, 1898:

1. A candidate for enlistment as cook will be first subjected to the required medical examination, and when found qualified for enlistment, both as regards his physical condition and his general character, the recruiting officer will examine him thoroughly as to his knowledge of methods and his skill in caring for, preparing, and serving food, particularly as to the amount of experience he has had in cooking for large bodies of men. The candidate will then be required to give a practical exhibition of his ability to cook, and for this purpose articles of the ration, in suitable amounts, will be issued to the recruiting officer by the nearest commissary upon requisitions signed by the recruiting officer. No candidate will be enlisted as a cook unless the recruiting officer be fully satisfied that he is competent to perform the duties required of him; and in the case of every person thus enlisted his enlistment paper will be plainly indorsed, "Enlisted as a cook." Men thus enlisted will be accounted for as cooks in the tables on the second and third folds of the trimonthly reports of the recruiting service.

2. The commanding officer of a regiment or other organization, in either the Regular or the Volunteer Army, is authorized to cause the enlistment of one competent cook for each company, troop, or battery of his command. Such enlistments will be made, whenever practicable, by the recruiting (or mustering) officer authorized by existing orders and instructions to recruit for the command. Men thus enlisted will be included in the authorized maximum enlisted strength of their companies, troops, or batteries.

3. General-service recruiting officers of the Regular Army, in addition to making enlistments of cooks for their own regiments upon the request of the commanding officers thereof, will, whenever practicable, enlist as cooks for general assignment men possessing the requisite qualifications and report them to the Adjutant-General of the Army for assignment to companies, troops, or batteries needing their services.

4. Mustering officers who are authorized to make enlistments *in the field* for volunteer organizations already mustered into the service of the United States (Sec. II, Circular Letter, Adjutant-General's Office, June 3, 1898) may make enlistments of competent cooks to fill actual vacancies in such

organizations, with the approval of the department, corps, division, or district commander; and they will be guided in making such enlistments by the instructions prescribed in this order to govern recruiting officers.

5. The commanding general of a department or corps may, when found necessary, authorize officers detailed from his command to recruit for one volunteer organization serving therein, to make enlistments of cooks to fill actual vacancies in other volunteer organizations of his command. Department and corps commanders may, at the request of commanding officers concerned, transfer cooks from one organization to another within their respective commands, for the purpose of preventing a surplus in one organization and of filling vacancies in another.

6. An enlisted man already in service and desiring to serve as a cook may be appointed and rated as such upon his own application, if in the opinion of his immediate commanding officer, as the result of a practical test, he is sufficiently proficient. Such appointments will be made in the same manner as those of company noncommissioned officers.

7. Only *one* cook is authorized by law for each company, troop, or battery, and every care must be exercised by commanding officers, through communication with their recruiting officers and with department or corps headquarters, to prevent exceeding this allowance. Should there be an excess of cooks from any cause in an organization, the fact will be at once reported to the department or corps commander, with a view to the transfer of the surplus cooks to other organizations in which there may be vacancies therefor.

8. Cooks will be duly accounted for *as such* on all muster rolls and returns. The number required by an organization beyond the power of its own officers to supply will be reported to the proper department or corps commander, who will report such vacancies as can not be filled under his orders to the Adjutant-General of the Army.

9. The commanding officer of each company, troop, or battery will supervise the cooking and messing of his men; will see that at least two copies of the Manual for Army Cooks are provided for his command; and that suitable men in sufficient numbers are regularly detailed as assistants to the cook and are fully instructed by the latter in managing, cooking, and serving the ration in the field; also that necessary utensils in serviceable condition are always on hand, together with the field mess furniture for each man.

10. Each cook will be required to attend such drills and exercises as will qualify him for the performance of the duty of a soldier under arms when necessity requires. (*A. R. 280, 283, 302.*)

GENERAL ORDERS, No. 99.

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, July 15, 1898.

When the land forces of the United States are organized into army corps, divisions, and brigades, the same will be designated by the following symbols, flags and pennants, and badges, made according to description and designs in the office of the Quartermaster-General:

SYMBOLS.

Cavalry Corps, a winged horsefoot.

Artillery Corps, crossed conical projectiles, with round shot above center.

First Corps, a circle over the letter "I," of special design.
Second Corps, a four-leaf clover.
Third Corps, a three-tooth clutch.
Fourth Corps, a caltrop.
Fifth Corps, a five-bastion fort.
Sixth Corps, a six-spoke hub.
Seventh Corps, a seven-pointed star.
Eighth Corps, two circles overlaping each other one-third radius, resembling the figure "8."
Ninth Corps, a buzz-saw with nine teeth.
Tenth Corps, two triangles, point to point, resembling the letter "X."
Eleventh Corps, badge of Tenth Corps, with horizontal bar through center, representing "XI."
Twelfth Corps, a square, with clover leaf at each corner, thereby showing 12 small circles.
Thirteenth Corps, a palm leaf with 13 spikes.
Fourteenth Corps, a square, with half circles on each side.
Fifteenth Corps, a bugle.
Sixteenth Corps, a spearhead.
Seventeenth Corps, a battle-ax.
Eighteenth Corps, an arch.
The divisions of the corps will be represented by the color of the symbol as follows:
First Division, red.
Second Division, white.
Third Division, blue.

FLAGS AND PENNANTS.

Corps headquarters will be designated by a swallowtail flag of yellow, 6 feet on the staff and 9 feet fly, with a swallowtail 2 feet deep, bearing in the center the corps symbol, 4 feet high, or occupying a space 4 feet square; the symbol to be in red, bordered in white 3 inches and edged in blue 1½ inches.
Division headquarters will be designated by a flag 4 feet on the staff and 6 feet fly, with the corps symbol in the center, 2 feet high, or occupying a space 2 feet square, as follows:
First Division: A white flag; corps symbol in red.
Second Division. A blue flag; corps symbol in white.
Third Division: A red flag; corps symbol in blue.
Brigade headquarters will be designated by triangular pennants 4 feet on the staff and 4 feet fly, divided vertically into three parts with the stripe next the staff of a color to represent the number of the brigade in the division, as follows:
First Brigade, red.
Second Brigade, white.
Third Brigade, blue.
The stripe next to the staff, 12 inches wide; stripe in center, 18 inches wide, bearing in the center corps symbol 1 foot high, or occupying a space 1 foot square, in the color designating the division to which the brigade belongs, and a triangle at the point 18 inches measured on the fly.
Colors of the pennants to be as follows, reading from the staff to the point.

First division.

First Brigade: Red, white, and blue; corps symbol in red.
Second Brigade: White, blue, and red; corps symbol in red.
Third Brigade: Blue, white, and red; corps symbol in red.

Second division.

First Brigade: Red, blue, and white; corps symbol in white.
Second Brigade: White, blue, and red; corps symbol in white.
Third Brigade: Blue, red, and white; corps symbol in white.

Third division.

First Brigade: Red, white, and blue; corps symbol in blue.
Second Brigade: White, red, and blue; corps symbol in blue.
Third Brigade: Blue, white, and red; corps symbol in blue.

The corps engineers will be designated by a swallowtail flag 5 feet on the staff and 5 feet fly, with swallowtail 1 foot deep; flag to be divided into two horizontal stripes of equal width, the lower stripe to be of blue, bearing the castle, symbolical of the engineers, in white, occupying a space 2 by 3 feet; the upper stripe to be white, bearing the corps symbol in red, bordered in white 2 inches and edged in blue 1½ inches, 2 feet high, or occupying a space 2 feet square.

The divisional engineers will be designated by a swallowtail flag 4 feet on the staff and 4 feet fly, with swallowtail 9 inches deep; the flag to be divided in two horizontal stripes of equal width, the lower stripe to be blue, the upper stripe white (with exception of that for the Second Division, which will be red), bearing the corps symbol, 18 inches high, or occupying a space 18 inches square, in the color of the division to which the command belongs.

The corps cavalry will be designated by a swallowtail flag 5 feet on the staff and 5 feet fly, with swallowtail 1 foot deep; flag to be divided in two horizontal stripes of equal width, the lower stripe to be of yellow, bearing cross sabers in blue, occupying a space 2 by 3 feet; the upper stripe to be of white, bearing the corps symbol in red, bordered in white 2 inches and edged in blue 1 inch, 2 feet high, or occupying a space 2 feet square.

The divisional cavalry will be designated by a swallowtail flag 4 feet on the staff and 4 feet fly, with swallowtail 9 inches deep; flag to be divided in two horizontal stripes of equal width, the lower stripe yellow and the upper white (with the exception of that for the Second Division, which will be blue), bearing the corps symbol, 18 inches high, or occupying a space 18 inches square, in the color designating the division to which the command belongs.

The corps artillery will be designated by a swallowtail flag 5 feet on the staff and 5 feet fly, with swallowtail 1 foot deep; flag to be divided in two horizontal stripes of equal width, the lower stripe to be of red, bearing crossed cannon in yellow, occupying a space 2 by 3 feet; the upper stripe to be white, bearing the corps symbol in red, bordered in white 2 inches and edged in blue 1 inch, 2 feet high, or occupying a space 2 feet square.

The divisional artillery will be designated by a swallowtail flag 4 feet on the staff and 4 feet fly, with a swallowtail 9 inches deep; flag to be divided in two horizontal stripes of equal width, the lower stripe to be of red and the

upper white (with the exception of that for the Second Division, which will be blue), bearing the corps symbol, 18 inches high, or occupying a space 18 inches square, in the color designating the division to which the command belongs.

BADGES.

The corps symbol, to be habitually worn in the form of a small badge on the front of the hat or in the center of the crown of the forage cap by enlisted men, and upon the left breast by officers, will be of felt, of the color designating the division to which the wearer belongs; the badge to be 1½ inches high, or occupying a space 1½ inches square. Officers and enlisted men belonging to a corps and not attached to a division will wear the corps symbol of the size above described in red, bordered in white one-sixteenth of an inch and edged in blue one thirty-second of an inch.

If preferred, officers and enlisted men are authorized to wear the proper badge made of gold or yellow metal enameled in the proper colors.

The members of the provost guard when on duty may wear on the left breast, as a badge of authority, the corps symbol, 3 inches high, or occupying a space 3 inches square, made of tin or white metal. (*A. R. 225a, 1551. Art. XXX.*)

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GENERAL ORDERS, No. 100.

WAR DEPARTMENT,
ADJUTANT GENERAL'S OFFICE,
Washington, July 16, 1898.

The following is published to the Army for the information and guidance of all concerned:

Information having reached the War Department that notwithstanding the medical examination prior to muster-in, men have been enlisted in the volunteer army who should have been rejected at that examination as unfit for military service, the attention of chief surgeons is directed to this subject as one of great importance. Systematic inquiry, with a view to eliminating such men, should be made in the various regiments and other commands by the medical officers on duty with them. A board of medical officers should be appointed in each division to carefully examine and make recommendation in each of the cases submitted by individual or regimental medical officers. In every case where discharge from service is recommended, it should be seen that the certificates of disability embody a statement to the effect that the cause of the disqualification for the military service existed prior to the enlistment of the man, if such is found to be the fact. Department and corps commanders are authorized to order discharges on certificates of disability, such orders to be carried out by the regimental, independent battalion, battery, or detachment commanders as the case may be. Such provisions of paragraph 140 of the Regulations as are inconsistent with the foregoing, are suspended during the war.

In the examination of certificates of disability for discharge, it is enjoined upon the chief surgeons, and others accountable, to observe that there is no conflict between the reports of company commanders, medical and other officers thereon, as to whether disability was incurred in line of

duty, or not in line of duty. If any discrepancies exist in this particular, every possible means will be employed to harmonize the reports before finally forwarding the papers to the Adjutant-General of the Army. (*A. R.*, *140.*)

GENERAL ORDERS, No. 106.

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, July 23, 1898.

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III. Paragraphs 1252 and 1284 of the Regulations are amended to read as follows:

1252. Enlisted men, hospital matrons, and female nurses are each entitled to one ration per day. When the rate of pay of a civilian employed with the Army does not exceed $60 per month, and the circumstances of his service make it necessary, and the terms of his engagement provide for it, there may be issued to him one ration in kind per day, on ration returns signed and certified as necessary by the officer in charge, and ordered by the commanding officer.

1284. Civilians at rates of pay of sixty dollars or more per month, employed with the Army at remote places or in the field where food can not otherwise be procured, may be allowed to purchase from the Subsistence Department, in limited quantities for their own use, for cash at cost price, such articles of the ration or of stores kept for sales to officers and enlisted men as can be spared from the supplies on hand.

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V. The following instructions are published for the guidance of all concerned:

When vesse employed in the transport service of the Army have been fitted up for the transportation of men or animals, the fittings upon them will not be removed or alterations made upon such vessels for other transportation purposes, unless previously authorized by the Secretary of War. (*A. R.*, *1081.*)

GENERAL ORDERS, No. 109.

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, July 30, 1898.

To provide for the inspections required by paragraphs 868, 870, and 871 of the Army Regulations, the Inspector-General of the Army will keep the inspectors-general of the military geographical departments informed, through the department commanders, of the inspections under these paragraphs and such other inspections which the Secretary of War desires shall be made by them; and that each of these inspectors will, at the proper time, submit for the consideration of his immediate commander a plan for making the inspections so desired in the most advantageous and economical manner in connection with the other inspections they may be required to make. If the plan be approved, the department commander will then give such orders as may be required for the necessary travel. (*A. R.*, *868*, *870*, *871.*)

GENERAL ORDERS, No. 110.

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, August 1, 1898.

In order to introduce uniformity into the work of rationing the enlisted men now organized into brigades, divisions, and corps, the following instructions are promulgated for the guidance of all persons concerned:

1. The chief commissary of an army corps, under the direction of the corps commander, will have general supervisory direction and control over the division and brigade commissaries of the corps. The division commissaries will have supervision over the brigade commissaries of their respective divisions.

2. Ration returns (Form No. 53, Subsistence Department) will be submitted by commanding officers of companies, troops, batteries, and other organizations with the morning report on the 10th, 20th, and last day of each month, when practicable; that of the 20th to include the remaining days of the calendar month, the others ten days each. In making up such returns due attention must be given by commanding officers to the duty of adding or deducting rations on account of men joining or leaving since the date when rations were last drawn for the command.

3. Ration returns of the company commanders, and others, of a regiment will, after each has been approved by the regimental commander, be consolidated by the regimental adjutant upon a regimental ration return (Form No. 66, herewith), which, after approval by the regimental commander, will be forwarded with the ration returns on which founded to the brigade commissary of the command, who will consolidate the regimental ration returns of each brigade on a separate brigade ration return (Form No. 67, herewith). When approved by the brigade commander, the brigade ration returns only will be forwarded for the information and supervision of the chief commissary of the army corps, who will refer them to the depot commissary for invoice and transfer of the rations in bulk to the respective brigade commissaries (Form No. 68, herewith). In order to prevent accumulation of surplus ration articles in the hands of brigade commissaries, arising from savings and other causes, the final ration return of the brigade each month (or any brigade ration return, if occasion requires) will give a list of such articles on hand as should be deducted by the depot commissary from the quantities called for by the brigade ration return.

4. Should a brigade be separated from the division of which it is a part, the brigade ration return, approved by the brigade commander, will be forwarded direct by the brigade commissary to the depot commissary for issue. Should a division be separated from its corps, the brigade ration returns, after approval by the brigade commanders, will be referred by the division commissary to the depot commissary for invoice and transfer of the rations in bulk to the brigade commissaries (Form No. 68).

5. Brigade commissaries, on receipt of the stores furnished from depot on the brigade ration returns, will issue rations, in accordance with the ration returns of the separate organizations forwarded by the regimental adjutants and retained in their possession, with such frequency as to the respective organizations as the brigade commander may direct.

6. Separate regiments, companies, detachments, hospitals, and other organizations not brigaded, will draw their rations from the depot commissary on proper ration returns.

7. The ration for issue to troops of the Cuban army and to Cuban destitutes will consist of the following articles:

8 ozs. bacon,	
12 ozs. flour, or 16 ozs. corn meal,	
6 lbs. coffee (green),	To 100 rations.
10 lbs. sugar,	
2 qts. vinegar,	
4 lbs. salt,	
4 ozs. pepper,	
4 lbs. soap.	

8. Separate abstracts of issues (Form No. 40, Subsistence Department) will be made of issues to troops of the Cuban army, to Cuban destitutes, and to prisoners of war.

9. Compliance with the requirements of printed notes 6 and 8 on the abstract of issues (Form No. 40, Subsistence Department) and with the following requirements of Army Regulations is hereby suspended during the period of the existing war:

(*a*) The requirement of that part of A. R. 1262 directing the indorsement upon travel orders of enlisted men the time to which they were last rationed, and directing the turning over of the orders so indorsed to the commissary from whom rations are next drawn for file with his abstract of issues or receipt roll of commutation paid.

(*b*) The requirement of that part of A. R. 1262 directing that a ration certificate of troops detached (Form No. 41) shall be furnished to detachments of enlisted men and civil employees leaving a post or command, and the filing of such certificate with his abstract of issues by the commissary from whom rations are next drawn.

(*c*) The requirement of that part of A. R. 1275 directing that the retained copy of the travel orders of enlisted men paid commutation in advance shall be indorsed and delivered to the commissary from whom rations are next drawn for file with his abstract of issues. (*A. R., 1257, 1262, 1275; A. W., 80.*)

GENERAL ORDERS, No. 114.

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, August 9, 1898.

I. Sick and wounded soldiers sent to United States general or field hospitals will when able to travel be granted by the surgeons in charge one month's furlough and transportation to their homes. There will be noted on the furlough: By the surgeon, the post, or camp nearest to the home of the soldier; by the quartermaster, the issue of transportation; by the commissary, the days for which commutation of rations while traveling is paid. Weekly reports will be made by the surgeons to the Adjutant-General of the Army of furloughs so granted, giving names, rank, regiments, and places to which transportation has been issued; also post-office address.

Soldiers granted furloughs in accordance with the foregoing will be instructed by the surgeons that on the expiration of their furloughs, if fit for duty, they must report at the nearest army post, camp, or hospital, for the purpose of being either sent to their regiments, or as provided for in Paragraph II.

Those not fit for duty will be required to forward their furloughs, five days before expiration, to the Adjutant-General of the Army, accompanied by the certificate of a reputable physician showing clearly their physical condition and the probable time required for their recovery.

The Quartermaster's Department will furnish the necessary transportation to the homes of the furloughed soldiers and the Subsistence Department commutation of rations at the rate of one dollar and fifty cents per day for the necessary number of days' travel. Sleeping-car accommodations when the travel is by rail and staterooms when the travel is by boat (other than Government transport) will be furnished under A. R. 1109. Neither the cost of transportation nor commutation of rations while traveling will be charged against the soldier. This order will not apply to soldiers on ordinary furloughs. (*A. R., 106, 1109.*)

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III. If the soldier has been paid or drawn clothing while in a hospital it will be noted on his descriptive list, if he has one, and if not, his company commander, or the officer to whom he may be ordered to report, will be furnished this information by letter. (*A. R., 1439.*)

GENERAL ORDERS, No. 119.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE, *Washington, August 11, 1898.*

Paragraph 1301 of the Regulations as amended by General Orders, No. 65, Headquarters of the Army, Adjutant-General's Office, June 7, 1898, is further amended to read as follows:

PAYMENTS TO OFFICERS.

1301. The following officers, in addition to those whose pay is fixed by law, are entitled to pay as mounted officers: Officers of the staff corps below the rank of major, officers serving with troops of cavalry, officers of a light battery duly organized and equipped, authorized aids duly appointed, officers serving as military attachés to the embassies and legations of the United States at foreign capitals, officers serving with companies of mounted infantry, and officers on duty which, in the opinion of the Secretary of War or the department or corps commander, requires them to be mounted and so certified by him on their pay vouchers.

Acting judge-advocates of military departments duly detailed are entitled while so serving to the rank, pay, and allowances of captains of cavalry. Battalion adjutants are entitled to mounted pay upon the certificate of their regimental commanders that they are on duty which requires them to be mounted.

GENERAL ORDERS, No. 121.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE, *Washington, August 18, 1898.*

I. In addition to the instructions published in General Orders, No. 114, August 9, 1898, from this office, regarding furloughs to sick and wounded soldiers, division commanders, when separated from the corps to which

they belong, are authorized to grant furloughs to enlisted men upon the recommendation of the division surgeon and to order transportation to their homes of the men so furloughed. (*A. R., 106.*)

II. Paragraphs 507 and 1309 of the Regulations are amended to read as follows:

507. Vouchers covering bills for advertising in newspapers must, prior to payment, be submitted to the Secretary of War. They will be prepared by the publisher, in duplicate, upon prescribed forms, and each will have attached a copy of the advertisement cut from the newspaper. No voucher will contain the account of more than one newspaper, nor for more than one advertisement. The date of first and subsequent insertions; number of lines, squares, or folios; number of insertions charged and ordered; and the amount charged will be entered in the proper columns. The column headed "Amount allowed" will be left blank. The receipt should be signed in duplicate by the publisher or proprietor, or other person authorized to receipt for money in the name of the paper. Indorsed on the voucher will appear a copy of the authority of the War Department for the publication, stating its number. The accounts thus prepared will be forwarded by the certifying officer direct to the Chief Clerk of the War Department, with an indorsement describing the inclosures, preferably on letter of authority, or if the letter of authority is not in the hands of the officer, then by a letter of transmittal.

1309. An officer placed upon the retired list will receive active pay to include the date of receipt by him of notice of his retirement, and the pay of a retired officer thereafter.

GENERAL ORDERS, No. 124.

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, August 20, 1898.

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IV. Upon an honorable muster out and discharge from the service of the United States, all volunteer soldiers, desiring to do so, are hereby authorized to retain their arms and accouterments upon the value thereof being charged to them on the muster-out rolls at the following rates:

Springfield breech-loading rifle or carbine, caliber .45	$10.00
Colt's revolver, caliber .38	10.00
Colt's revolver, caliber .45	10.00
Saber	3.60
Blanket bags with straps complete	1.15
Bayonet scabbard for rifle	.50
Cartridge belt (single row of loops)	.75
Cartridge belt (double row of loops)	1.00
Canteen with strap	.43
Gun sling	.24
Haversack and strap	.72
Waist belt and plate	.30
Meat can	.14
Tin cup	.08
Knife	.04
Fork	.03
Spoon	.01
Revolver holster	.50
Cartridge box	.50

(*Art. LXXXIII.*)

GENERAL ORDERS, No. 125.

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, August 23, 1898.

Under the provisions of an act making appropriations for the support of the Army for the fiscal year ending June 30, 1899, approved March 15, 1898, published in General Orders, No. 9, March 19, 1898, from this office, and of an act making appropriations for the support of the Army for the fiscal year ending June 30, 1894, and for other purposes, approved February 27, 1893, published in General Orders, No. 20, of March 11, 1893, from this office, and in accordance with the decision of the Comptroller of the Treasury of August 11, 1898, officers traveling on Government transports, where subsistence is not furnished, will be paid mileage at the rate of 4 cents per mile, and paymasters' clerks traveling under like conditions will be paid at the rate of 4 cents per mile. (*A. R.*, *733.*)

GENERAL ORDERS, No. 126.

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, August 25, 1898.

I. Commanders of independent brigades and other small independent commands are authorized to grant leaves of absence and furloughs to not more than 5 per cent of their force, under the provisions of paragraphs 44 and 106 of the Regulations.

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II. The demand for Hospital Corps privates for the care of the sick in various commands being greater than can be supplied by transfer and enlistment, corps commanders and commanders of camps not under the jurisdiction of corps commanders are authorized and directed to detail a sufficient number of enlisted men to meet the emergency, the number of men and the length of detail to be determined by the chief surgeon. (*Art. LXXXI.*)

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GENERAL ORDERS, No. 128.

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, August 27, 1898.

All public records and papers, such as letters and telegrams received, books of general and special orders and circulars, books of letters received and sent, guard report, morning report, descriptive and clothing, sick reports, etc., are the property of the United States and will be required by the War Department in the settlement of claims against the Government and for other official purposes. Whenever posts, districts, geographical departments, corps, divisions, brigades, regiments, and companies are discontinued, all such records will be carefully labeled and packed, and marked, showing the command to which they pertain, and forwarded by express to the Adjutant-General of the Army. (*A. R.*, *800.*)

GENERAL ORDERS, No. 129.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE, *Washington, August 27, 1898.*

General Orders, No. 125, August 23, 1898, from this office, are amended to read as follows:

Under the provisions of an act making appropriations for the support of the Army for the fiscal year ending June 30, 1899, approved March 15, 1898, published in General Orders, No. 9, March 19, 1898, from this office, and of an act making appropriations for the support of the Army for the fiscal year ending June 30, 1894, and for other purposes, approved February 27, 1893, published in General Orders, No. 20, of March 11, 1893, from this office, and in accordance with the decision of the Comptroller of the Treasury of August 11, 1898, officers traveling on duty, under orders, without troops, on Government transports, where subsistence is not furnished, will be paid mileage at the rate of 4 cents per mile, and paymasters' clerks traveling under like conditions will be paid at the rate of 4 cents per mile. (*A. R., 733.*)

GENERAL ORDERS, No. 135.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE, *Washington, September 3, 1898.*

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II. The following rules will govern the award of medals of honor under the resolution of Congress approved July 12, 1862, and under the act approved March 3, 1863, for such officers and enlisted men of the Army, regular and volunteer, as may "have most distinguished themselves in action:"

(*a*) Medals of honor will not be awarded to officers or enlisted men except for distinguished bravery or conspicuous gallantry, which shall have been manifested in action by conduct that distinguishes a soldier above his comrades, and that involves risk of life or the performance of more than ordinarily hazardous duty. Recommendations for the award will be governed by this interpretation of extraordinary merit.

(*b*) Recommendations should be made only by the officer in command at the time of the "action," or by an officer having personal cognizance of the specific act for which the medal is granted. The recommendation must be accompanied by a detailed recital of the circumstances and by certificates of officers or affidavits of enlisted men who were eyewitnesses of the act. The testimony must, when practicable, embrace that of at least two eyewitnesses, and must describe specifically the act or acts by which the person in whose behalf the recommendation is made "most distinguished" himself, and the facts in the case must be further attested by the official reports of the action, record of events, muster rolls and returns, and descriptive lists. (*A. R., 177, Art. XXV.*)

GENERAL ORDERS, No. 139.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE, *Washington, September 7, 1898.*

I. The following is published to the Army for the information and guidance of all concerned:

It is ordered that a quartermaster be stationed at each general hospital

for the purpose of giving transportation to soldiers who are sent home on sick furlough, and in every instance when the officer in charge of the hospital issues a furlough he should state on the furlough that under General Orders, No. 114, August 9, 1898, this office, the soldier so furloughed is entitled to transportation, and if in the judgment of the surgeon the soldier should be furnished with sleeping-car accommodations, that fact will be stated, and when it so appears on the furlough the quartermaster must not only issue transportation but sleeping-car accommodations as well. (*A. R.*, *106*, *1109*.)

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III. In addition to the instructions contained in paragraphs 596 and 597 of the Regulations, and Circular No. 18, September 2, 1897, from this office, relative to the issue of checks, it is required that hereafter each check drawn by a disbursing officer shall have placed on it the address of the officer drawing it.

GENERAL ORDERS, No. 141.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, September 12, 1898.

By direction of the Secretary of War, paragraph 162 of the Regulations is amended to read as follows:

162. The remains of deceased soldiers will be inclosed in coffins and transported by the Quartermaster's Department to the nearest military post or national cemetery, or, if so desired by their relatives, to their homes for burial, unless the commanding officer deem burial at place of death to be proper, when a full report of the facts and reasons will be made to the Adjutant-General of the Army. The expense of transporting the remains is payable from the appropriation for Army transportation, or from funds specially appropriated for that purpose. The cost of expense of burial other than the cost of transportation will be limited to $35 for each enlisted man.

GENERAL ORDERS, No. 142.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, September 14, 1898.

I. The Acting Secretary of War authorizes the sale of horse equipments to volunteer soldiers discharged from the service, who are desirous of purchasing the same because they have used them in service, at the following reduced prices:

Saddle	$10.00
Bridle	2.00
Halter	1.00
Watering bridle	.75
Saddle blanket	2.50
Saddlebags	2.50
Surcingle	.50
Spurs and straps, per pair	.50

(*A. R.*, *501*.)

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GENERAL ORDERS, No. 145.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, September 16, 1898.

By direction of the Acting Secretary of War, the following is published to the Army for the information and guidance of all concerned:

The quartermaster stationed at a general hospital under paragraph 1, General Orders No. 139, September 7, 1898, War Department, Adjutant-General's Office, for the purpose of giving transportation to soldiers sent home on sick furlough, will act as commissary of subsistence for paying commutation of rations to such soldiers under General Orders No. 114, August 9, 1898, War Department, Adjutant-General's Office, and will obtain subsistence funds for the purpose by requisition on the chief commissary of the department in which the hospital is situated. For the purpose of making payments of commutation of rations in convenient form to those entitled, quartermasters on duty as above at general hospitals are authorized to keep subsistence funds at their own risk in their personal possession to an amount not exceeding three thousand dollars at any one time; and the Quartermaster's Department is authorized to furnish transportation from time to time from the public depository to the hospital for such amounts of subsistence funds in currency as the quartermaster on duty as acting commissary thereat may call for. (*A. R., 1109, 1272.*)

GENERAL ORDERS, No. 147.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, September 17, 1898.

By direction of the Acting Secretary of War, the following is published for the information and guidance of all concerned:

Members of volunteer organizations who after muster out or discharge therefrom enlist in the Regular Army will be credited with their service in the Volunteer Army and their enlistment papers will be indorsed as directed in paragraph 836 of the Regulations. The enlistment in the Regular Army will be for three years from date of such enlistment, without condition regarding discharge, and will be preceded by the usual medical examination at the recruiting station. Examination forms and figure cards will be prepared and disposed of in accordance with the instructions governing other enlistments in the Regular Army.

Soldiers of volunteer organizations ordered to be mustered out, who desire to enlist in the Regular Army without availing themselves of furloughs, may be subjected to the usual examination at a recruiting station, and if they meet all requirements be discharged from the Volunteers to enable them to enlist in the Regulars, upon application to this office, which the recruiting officer may telegraph, clearly stating the facts. (*A. R., 836.*)

GENERAL ORDERS, No. 148.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, September 19, 1898.

By direction of the Acting Secretary of War, the following is published to the Army for the information and guidance of all concerned:

I. In view of the fact that under General Orders, No. 114, August 9, 1898, from this office, granting $1.50 a day to sick soldiers while traveling to their

homes on furlough, the commissary paying this commutation was required to note on the furlough "the days for which commutation of rations while traveling is paid" by him, and by the concluding part of Paragraph I of the same order the $1.50 per day thus paid was not to be repaid to the United States by the soldier, it is ordered that when any of the days at $1.50 per day are shown by the notation on the furlough to have been days covered by the period of the furlough the officer paying furlough commutation under clause 1 of paragraph 1272 of the Regulations will refuse to allow 25 cents per day for those same days when computing the amount due the soldier on reporting at the expiration of the furlough. (*A. R.*, *1272.*)

II. Claims of soldiers alleging failure on their part to receive, at initial points of journeys, the commutation of rations at $1.50 per day while traveling to their homes on furloughs granted under General Orders, No. 114, August 9, 1898, from this office, will be forwarded to the Commissary-General of Subsistence, accompanied (*a*) by the furlough, or (*b*) by a statement of the name of the disbursing officer who took up the furlough and paid commutation of rations thereon at 25 cents per day. Claims thus presented will be transmitted by the Commissary-General of Subsistence to the Auditor for the War Department, with a statement of the names of the disbursing commissaries in the neighborhood of the initial points of the journeys, in order that examination may be made by the Auditor of the accounts of those commissaries and the accuracy of the claim of failure to receive the commutation verified before settlement by him. Claims for such commutation alleging loss of furlough will not be entertained. (*A. R.*, *1272.*)

III. Commanding officers of organizations ordered to be mustered out of the service are authorized to extend the leaves of absence and furloughs granted officers and men prior to the receipt of orders for muster out to cover the period for which leaves and furloughs are granted under the provisions of General Orders, No. 130, August 29, 1898, from this office. (*A. R.*, *44, 106.*)

GENERAL ORDERS, No. 150.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, September 21, 1898.

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II. By direction of the Acting Secretary of War, soldiers of volunteer organizations ordered to be mustered out of the service who are undergoing sentences of confinement imposed by courts-martial, *but not dishonorably discharged*, will be paroled during the period for which the organization is on furlough, and the unexecuted parts of their sentences will stand as remitted on the date of the muster out of their companies, with which they will be discharged. (*A. R.*, *150 and 916.*)

GENERAL ORDERS, No. 151.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, September 22, 1898.

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II. By direction of the Acting Secretary of War, paragraphs 85 and 886 of the Regulations are amended to read as follows:

85. The remains of officers killed in action, or who die when on duty in

the field or at military posts, or when traveling under orders, will be inclosed in coffins, and unless claimed by relatives or friends will be transported by the Quartermaster's Department to the nearest military post or national cemetery, or, if so desired by their relatives, to their homes, for burial. The expense of transporting the remains is payable from the appropriation for Army transportation or from funds specially appropriated for that purpose; other expenses of burial are limited to $75. If buried at the place of death, the fact will be reported to the Adjutant-General of the Army.

886. Inspectors will, when practicable, cause the destruction in their presence of all property found to be worthless and which is without money value at or near the place of inspection, and will state in their reports that "the articles recommended to be destroyed have no money value at or near the post." The action of an inspector on property of this character will be final, and his report will be a valid voucher for the responsible officer. Inspectors will be held responsible for their action in this particular. When property thus condemned is not destroyed in the presence of the inspector, the responsible officer will certify to the fact of subsequent destruction in his presence.

GENERAL ORDERS, No. 152.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, September 22, 1898.

By direction of the Acting Secretary of War, the following paragraphs of the Army Regulations are published for the information and guidance of all concerned, and attention invited to the directions therein contained, which will be strictly adhered to, as follows:

1206. The telegraph will be used only in cases of urgent and imperative necessity, in which the delay consequent upon transmission by mail would be prejudicial to the public interests.

1209. Telegrams making application for leave of absence or extension of leave, or of inquiry whether leave has been granted, and the replies made thereto by telegraph, will not be sent or paid for as public dispatches.

1210. In framing telegrams all words not important to the sense will be omitted. The last name of the officer addressed or his title and the last name of the sender are generally sufficient.

1211. In counting the words of telegraphic messages the following rules will be observed: Names of cities and places when used to designate such cities or places and words properly connected by a hyphen will be counted as one word. Numerals will be expressed in words and will not be counted as hyphened words. Names of places and persons when given to things will be counted according to the number of distinct words in each. Names such as Van Vliet or St. Nicholas will be counted as one word. All words contained in an official telegram will be counted, including name and title of party addressed and of the sender, but excluding the name of the place from which sent, date, and the words "official business," which should appear on each telegram.

GENERAL ORDERS, No. 156.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, September 28, 1898.

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III. By direction of the Acting Secretary of War, paragraph 891 of the Regulations is amended to read as follows:

891. The judge-advocate of each department, or the officer acting as such, will, as soon as practicable after June 30 of each year, render to the Judge-Advocate-General a report for the year terminating on that date, giving the number and character of cases tried by courts-martial in the department during the period. This report will separately classify the trials of officers and enlisted men, and show whether by general, garrison, or summary courts, the number of acquittals in each class, and the number of different men tried by inferior courts, and contain his recommendations and remarks touching the administration of military justice.

GENERAL ORDERS, No. 164.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, October 11, 1898.

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V. By direction of the Secretary of War, mustering officers are hereby designated to act as inspectors of property submitted to them for condemnation for which officers of organizations ordered to be mustered out of the service are responsible, and they are authorized to order, "by direction of the Secretary of War," final disposition to be made of condemned property, except that mentioned in paragraphs 888 and 1463 of the Regulations.

VI. By direction of the Secretary of War, in view of circular No. 31, August 12, 1898, from this office, and paragraph 141 of the Regulations, it is ordered that at each military post or camp a competent officer will be charged with the duty of seeing that all final statements are in proper form, as required by orders and regulations, before they pass to the soldier, and that proper notifications have been sent the paymasters.

GENERAL ORDERS, No. 167.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, October 13, 1898.

The following order of the Secretary of War is published for the information and guidance of all concerned:

Leaves of absence granted to officers of the Army serving at stations beyond the limits of the United States, for the purpose of returning to this country, will be regarded as taking effect on the dates they reach the United States, respectively, and as terminating on the respective dates of their departure therefrom in returning to their commands. The dates of arrival in and departure from the United States will, in every case, be reported to the Adjutant-General of the Army. (*A. R.*, *53*.)

GENERAL ORDERS, No. 169.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, October 17, 1898.

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II. By direction of the Secretary of War, all officers detailed for duty in connection with the muster out of troops in States will be paid commutation of quarters at established rates from the dates on which they assumed such duties in the States to which they have been ordered, and for the time actually absent from their stations performing such duties. (*A. R., 1336.*)

III. By direction of the Secretary of War, civilian clerks employed by mustering officers, under the orders of the War Department, will be directed by them to make such journeys in the performance of their duties as may be necessary, and while on such journeys will be entitled to transportation and allowances provided for by paragraphs 729 and 730, Army Regulations.

GENERAL ORDERS, No. 173.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, October 26, 1898.

I. By direction of the Secretary of War, it is announced that paragraph II, General Orders, No. 40, May 10, 1898, from this office, will *not* govern in the cases of men hereafter enlisted or reenlisted in the Regular Army. (*A. R., 106.*)

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III. By direction of the Secretary of War, in addition to the instructions published in paragraph 1, General Orders, No. 121, August 18, and circular No. 41, October 13, 1898, the provisions of General Orders, No. 114, August 9, 1898, from this office, are extended so as to authorize a regimental commander, when the regiment is serving as a separate command, to grant furloughs to sick and wounded soldiers upon the recommendation of the regimental surgeon, and to order transportation to their homes of the men so furloughed. (*A. R., 106, 1109.*)

IV. By direction of the Secretary of War, paragraph 637 of the Regulations is amended to read as follows:

637. The giving or taking of receipts in blank for public money is prohibited, except the receipts to vouchers for publishing advertisements, which will be receipted prior to audit.

GENERAL ORDERS, No. 174.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, November 2, 1898.

I. By direction of the Secretary of War, so much of paragraph 994 of the Regulations as allows contract surgeons commutation of quarters is revoked.

II. By direction of the Secretary of War, all sentences of summary courts-martial approved from April 21, 1898, to August 16, 1898, inclusive, are set aside, as the summary court was not a legal court during said period of the war. Soldiers still in the service will be credited on the current pay rolls with the forfeitures collected under such illegal sentences. (*A. W., 80, 110.*)

GENERAL ORDERS, No. 175.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, November 3, 1898.

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II. By direction of the Secretary of War, officers accountable on returns for public property to one or more bureaus, but not to others, are authorized with respect to these others to submit to paymaster, in lieu of certificate of nonindebtedness from chiefs of such bureaus, affidavits of nonaccountability or responsibility thereto, when countersigned by the commanding officer of the regiment or independent command.

Except in case of ordnance and ordnance stores, officers who have been responsible for public property on memorandum receipt are authorized to submit to paymaster, in lieu of certificate of nonindebtedness from chief of bureau concerned, affidavit, countersigned by commanding officer of regiment or independent command, that he has properly accounted for all public property for which he has at any time been so responsible to said bureau. The memorandum receipt of the officer to whom the property has been transferred by him will be attached to the affidavit. In case of ordnance property, memorandum receipts are not allowed. (*A. R. 657, Art. LVIII.*)

GENERAL ORDERS, No. 178.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, November 8, 1898.

I. By direction of the Secretary of War the provisions of General Orders, No. 58, May 31, 1898, from this office, under which the commander of an army corps or of a division or brigade acting independently of a corps is charged with the full control of the transfer from the line, the enlistment, reenlistment, and discharge of members of the Hospital Corps of his command, with the detail of acting hospital stewards and the appointment of hospital stewards, are extended so that the commanding officers of military departments outside of the limits of the United States are charged with the same authority. (*Art. LXXXI, A. R.*)

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GENERAL ORDERS, No. 179.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, November 17, 1898.

By direction of the Secretary of War paragraphs 533, 633, 709 (amended by General Orders, No. 10, of 1897), 716, and 878 of the Regulations are amended to read as follows:

533. Guaranties signed by two responsible parties or by a qualified surety company will be required to accompany proposals whenever, in the opinion of the officer authorized to make the contract, they are necessary to protect the public interests, and when so required no proposal unaccompanied by a guaranty, made in manner and form as directed in the advertisement or specifications, will be considered.

633. Every voucher in support of a payment for supplies or for services other than by the day or month, whether it be made pursuant to a formally

prepared contract, an accepted bid, or a purchase without advertising (unless it comes within the excepted cases provided for in the following paragraph), must have attached to it an original bill furnished by the creditor, dated and signed by him or his authorized representative, giving his place of business or residence, and stating (if for supplies furnished) the date of the purchase, the quantity and price of each article, and the amount or (if for services other than by the day or month) the character of the services, the date or dates on which rendered, and the amount. A voucher so accompanied will be made out in favor of the creditor, giving his address, and may state the account in general terms, with the aggregate amount only extended, and the words "as per bill hereto attached," or words of like import, added. Where a purchase under an accepted bid after public notice is made in the Quartermaster's or Subsistence Department, the voucher, besides being subject to the foregoing requirements, will be accompanied by a copy of the public notice, the accepted bid, and a copy of the letter accepting the bid, and must contain a certificate that the award was made to the lowest responsible bidder for the best and most suitable articles, and that the needs of the service required the purchase to be made in the manner indicated by the public notice. Where papers relating to two or more vouchers are required to accompany accounts, they must be filed with the first voucher paid and reference thereto made on the other vouchers. A voucher for services by the day or month must state the nature of the service, the inclusive dates of service, the time for which payment is made, the rate of pay, and the amount. All original bills when practicable will be rendered in the English language, but if rendered in a foreign language a translation of the same must accompany the bill attached to the voucher.

709. A board of survey will be called by the commanding officer of the regiment, post, or station. Such boards may, however, be convened by the commanding officer of a department, an army corps, division, or brigade. It will be composed of three officers, exclusive of the commanding officer and those who are interested, if that number be present for duty; otherwise, of as many as are so present, exclusive of the commanding and interested officers; or if none but the commanding officer and interested officers be present for duty, then of the commanding officer. When only the responsible or interested officer is present, he will not constitute himself a board of survey, but will furnish the next higher commander authorized to convene such boards his certificate of facts and circumstances, supported by affidavits of enlisted men or others who are cognizant thereof. Should the case thus presented not be considered satisfactory, or in a case in which only interested officers with opposing interests are present for duty at the post or station, the next higher commander authorized to convene boards of survey may make the necessary investigation. In cases where the property in question has been previously acted upon by a board of survey the order convening the board will so state and require that the proceedings of any previous board or boards be considered.

716. Should the proceedings be disapproved by the convening authority, or should the value of the property submitted for survey or the loss or damage to be inquired into exceed $500, or, whatever the amount involved, should the officer pecuniarily interested request it, the proceedings in triplicate will be forwarded to the next higher commander authorized by para-

graph 709 to convene boards of survey for review, and with his action are complete. One copy will then be filed at his headquarters and the others sent to the accountable officer; but all proceedings of boards of survey, whatever their nature or the amounts involved, are subject on call to the approval or disapproval of the next higher commander authorized to convene such boards or such other action on his part as the merits of the case or the interests of the Government may in his opinion require.

878. Inspections having in view the condemnation of property will be made by inspectors-general, acting inspectors-general, or officers specially designated by the commander of a department, the commander of an army in the field, or higher authority.

GENERAL ORDERS, No. 180.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, November 26, 1898.

I. By direction of the Secretary of War deserters from volunteer organizations that have been mustered out, or are being prepared for muster out of the service, who may surrender or be apprehended, when it is impracticable to bring them to trial before a general court-martial will be discharged without honor, with forfeiture of traveling allowances, as soon after surrender or appehension as practicable by commanding officers of posts or mustering officers. In such cases, when muster-out rolls have not been closed, the deserters will be taken up on the rolls under the heading "Discharged," and their full record of service will be given, as required by paragraph 1381, Army Regulations. When the muster-out rolls of the organization have been closed, a special report of action taken in each case will be made by the officer to the Adjutant-General of the Army. (*A. R., 129, 132.*)

II. By direction of the Secretary of War enlisted men discharged in Cuba, Porto Rico, Hawaii, the Philippines, or other places outside of the United States will be provided free transportation to the United States on Government transports upon direction of the commanding officers in the several localities, and will be subsisted by the Subsistence Department to the port of destination, and will not be entitled to travel pay from port of embarkation to the United States, nor to commutation of rations for the time so subsisted on the transports. Upon arrival in the United States they will be furnished with travel pay by the Pay Department to the places of their enlistment, as in all other cases of soldiers discharged on final statements.

The fact that such transportation and subsistence have been furnished must be noted on the final statements. (*A. R., 141 and 153.*)

GENERAL ORDERS, No. 182.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, December 1, 1898.

I. By direction of the Secretary of War, paragraph 68 of the Regulations is amended to read as follows:

68. Orders contemplating the payment of mileage must state the special duty enjoined and that the travel directed is necessary for the public service. They will not direct travel beyond the limits of the command of the officer

who issues them, except that commanders of departments or corps outside the present limits of the United States may order officers of their commands to return to the United States in cases of emergency, in which the travel directed is manifestly for the public interest or is necessary to save life. When a general is ordered on duty beyond the limits of his command, he may order an officer of his staff to accompany him; if ordered to change station, he may order the necessary change of station of his personal staff.

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GENERAL ORDERS, No. 183.

HEADQUARTERS OF THE ARMY, ADJUTANT-GENERAL'S OFFICE, *Washington, December 8, 1898.*

By direction of the Secretary of War, paragraph 1363 of the Regulations is amended to read as follows:

1363. Payments to enlisted men will be made on muster and pay rolls, with the following exceptions: Enlisted men, retired, and men of the post noncommissioned staff, or acting as such, and sergeants, corporals, and privates of the Signal Corps on duty where there are no other troops. These will be paid on their descriptive lists by the chief paymaster of the department, or a paymaster designated by him; if not under the orders of the department commander, they will be paid by a paymaster designated by the Paymaster-General. Payments to discharged soldiers will be made by any paymaster, under the provisions of paragraphs 1382 to 1388.

GENERAL ORDERS, No. 185.

HEADQUARTERS OF THE ARMY, ADJUTANT-GENERAL'S OFFICE, *Washington, December 16, 1898.*

By direction of the Secretary of War, paragraph 1, General Orders, No. 44, May 13, 1898, from this office, is amended to read as follows:

By direction of the Secretary of War, all volunteer officers serving with their regiments or companies shall be paid on the rolls thereof; the regimental field and staff, noncommissioned staff, and band on one roll, known as the field, staff, and band roll, and company officers on the rolls of their respective companies. Volunteer officers paid on field, staff, and band, or company rolls will each enter upon the rolls at time of payment the sum of all credit sales of subsistence stores made to him, and not paid for at date of the roll, which sum will be collected by the paymaster and transferred in the manner directed by A. R., 1290.

General officers and their staffs and officers detached from their commands shall be paid on the usual individual (officer's) voucher. Officers so paid will make the notation on the pay account required by A. R., 1288.

GENERAL ORDERS, No. 189.

HEADQUARTERS OF THE ARMY, ADJUTANT-GENERAL'S OFFICE, *Washington, December 27, 1898.*

Commanders of divisions or separate brigades convening general courts-martial pursuant to the seventy-third Article of War, or acting as review-

ing authority on proceedings thereof, will forward the same to the Judge-Advocate-General of the Army through their respective corps commanders. If errors are found in the proceedings demanding it the corps commander may return them to the reviewing authority for any necessary action before forwarding them to the Judge-Advocate-General of the Army. (*A. R., 892.*)

GENERAL ORDERS, No. 194.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, December 31, 1898.

By direction of the Secretary of War, the following is published for the information and guidance of all concerned:

A sanitary inspection of all military camps, including regimental, brigade, and division hospitals, will hereafter be made on Saturday of each week, and on the last Saturday of each month a medical inspection will also be made. A similar inspection will be made on the last day of each month of all military posts and general hospitals.

The senior medical officer present will make these inspections for detached commands, military posts, and general hospitals; brigade surgeons will make them for troops that are organized into and serving as brigades, and when special occasion requires, and the general commanding orders, division, corps, or department chief surgeons will make them.

A report of these inspections, with such recommendations as are deemed proper, will be made to the commanding officer, who will return it after indorsing thereon his views and action or his objections. The medical officer will then forward the report through military channels to the Surgeon-General of the Army. All commanding officers are directed to facilitate the prompt transmission of these reports to their proper destination.

The sanitary inspection will consist of an examination of the quarters, their cubic air space per man, space between tents, ventilation, lighting, drainage, and general police; of the clothing and bedding, its sufficiency, adaptability, and general condition; of the food supply, its quality, variety, and quantity, its preparation, cooking, and method of serving; of the water supply, its quality and quantity, for cooking, bathing, and laundry purposes; of the disposal of excreta, by what methods, character of disinfection and cleanliness; of the habits, exercise, and recreations of the men, and of the site of the camp, hospital, or post with reference to its healthfulness.

The medical inspection will include an examination of the records of the hospitals as to there completeness and accuracy, and the promptness in forwarding them; of the medical, surgical, and hospital supplies; their quality, quantity, condition, whether properly used, and if timely requisitions are made to avoid deficiencies; of the food supply for the hospital, especially with reference to light diet for the sick: of the management of the diet kitchens; of the methods of day and night messing for attendants, male and female; of the public funds provided by existing regulations for the purchase of food; of the tentage, wheel transportation, and other articles furnished to the hospital by the Quartermaster's Department, their amount, usage, and condition as to repairs; of public animals, their number and condition.

Inquiry will be made into the character and causes of prevailing diseases, and what steps have been taken to prevent them; into the attention to duty

of medical officers, contract surgeons, enlisted men, and female nurses, and into the discipline, instruction, and efficiency of the Hospital Corps.

Recommendations will be made for the correction of unsanitary conditions or of abuses that may exist, and note made on the next report of the action that has been taken regarding them.

Special report will be made of professional incompetency, neglect of duty, or general inefficiency of any medical officers.

Forms for the inspection reports will be supplied by the Surgeon-General. (*A. R., 874, 1393.*)

GENERAL ORDERS, No. 1.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, January 6, 1899.

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III. By direction of the Secretary of War, paragraph 1266 of the Regulations is revoked.

GENERAL ORDERS, No. 2.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, January 9, 1899.

By direction of the Assistant Secretary of War, the following decision of the Assistant Comptroller of the Treasury is published to the Army for the information and guidance of all concerned:

TREASURY DEPARTMENT,
OFFICE OF COMPTROLLER OF THE TREASURY,
Washington, D. C., October 15, 1898.

The honorable the SECRETARY OF WAR.

SIR: I have received your letter of the 24th ultimo, inclosing several bills for advertising in certain nowspapers in North Carolina, Florida, and Wyoming, for recruits and supplies for the Army. You state that this advertising was procured by officers of the Army without the previous written authority of the head of the War Department as required by section 3828, Revised Statutes, and paragraph 503, Army Regulations, 1895, and submit for my decision the following questions:

1. Were these advertisements such as come within the provisions of section 3828, Revised Statutes?

2. If section 3828 applies to these advertisements, will the subsequent approval of the vouchers, and ratification by you of the acts of your subordinates, be sufficient to authorize the payment of the bills?

Section 3828, Revised Statutes, provides:

"No advertisement, notice, or proposal for any Executive Department of the Government, or for any Bureau thereof, or for any office therewith connected, shall be published in any newspaper whatever, except in pursuance of a written authority for such publication from the head of such Department; and no bill for such advertising, or publication, shall be paid, unless there be presented with such bill a copy of such written authority."

Paragraph 503, Army Regulations, 1895, merely repeats the prohibition found in section 3828, and need not be further considered.

Does section 3828 apply to these advertisements?

The notices were for recruits and supplies for the Army, and were published at the instance of army officers, who, if they had any authority at all, were acting as the agents of the Secretary of War. It does not seem to me there can be any doubt that the advertisements were for an Executive Department, or bureau thereof, or office therewith connected. The Attorney-General, in 16 Opin. A. G., 616, held that section 3828 applies to all offices connected with an Executive Department, no matter where located. See 1 Comp. Dec., 567.

Reference is made by you to a decision of First Comptroller Lawrence (5 Lawrence Comp. Dec., 389, 390), wherein it was held that section 3828 did not apply to advertisements published

by order of a collector of internal revenue under authority of section 3460, Revised Statutes. The Comptroller said:

"But, evidently, section 3828 can not apply to such notices. The statute *expressly requires* the collector to give the notices. The discretion is generally vested in him to select the newspaper in which to publish, but the statute permits no discretion to omit the publication. Section 3828 can only apply when by law the head of a Department can exercise a discretion, either in the selection of a newspaper in which to publish or in determining whether a notice shall or shall not be published."

It is not necessary to determine whether or not this view of the law is correct, it being sufficient to say that the facts upon which it was based are essentially different from, and the decision has no bearing on, the cases now under consideration, and I am compelled to hold that section 3828 does apply to the cases now before me.

The second question for consideration is whether a subsequent approval and ratification by the Secretary of the advertising done without the previous written authority required by section 3828 will so legalize the transaction as to warrant the payment of the bills.

The law is too clear and unambiguous to require or admit of construction. It is expressed in positive terms of prohibition. It not only prohibits the publication of any advertisement, notice, or proposal in any newspaper whatever except in pursuance of the written authority for such publication from the head of Department, but it prohibits the payment of any bill for such advertising unless there be presented with such bill a copy of such written authority. If any statute is mandatory this is, and it has been so held. The Second Comptroller, in a decision of December 11, 1876 (Digest of Second Comp. Dec., paragraph 18), held:

"The written authority for the publication of advertisements, etc., under section 3828, Rev. Stat., must precede such publication. No subsequent approval or authorization can legalize advertising done without such written authority, so as to warrant payment for the same."

It is a matter of history that this law was enacted for the express purpose, in part, of correcting a well-known abuse of the doctrine of ratification as applied to advertising done without authority, and it should be administered, as far as it reasonably can be, so as to suppress the mischief and advance the remedy intended.

I have therefore to advise you that no subsequent approval or ratification can legalize this advertising so as to warrant payment of the vouchers.

The inclosures are herewith returned.

Respectfully, yours,

L. P. MITCHELL,
Assistant Comptroller.

(*A. R., 503.*)

GENERAL ORDERS, No. 5.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, January 11, 1899.

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II. By direction of the Secretary of War, paragraph II, General Orders, No. 180, November 26, 1898, from this office, is amended to read as follows:

II. By direction of the Secretary of War, enlisted men discharged in Cuba, Porto Rico, Hawaii, the Philippines, or other places outside of the United States will be provided free transportation to the United States on Government transports upon direction of the commanding officers in the several localities, and will be subsisted by the Subsistence Department to the port of destination. They will not be entitled to travel pay from port of embarkation to the United States, nor to commutation of rations for the time so subsisted on the transports.

The fact that such transportation and subsistence have been furnished must be noted on the final statements.

Paymasters, when paying final statements of soldiers discharged under above conditions, will include in such payments travel allowances from station to port of embarkation and from port of arrival in the United States to place of enlistment or enrollment. (*A. R., 141, 150, 153, 1109, 1273, 1274, 1385.*)

GENERAL ORDERS, No. 7.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, January 14, 1899.

By direction of the Secretary of War, paragraph 1119, Army Regulations, is amended to read as follows:

1119. The baggage to be transported at public expense, including mess chests and personal baggage, upon change of station, will not exceed the following weights:

Rank.	In the field.	Changing station.
	Pounds.	*Pounds.*
Major-general	1,000	3,500
Brigadier-general	700	2,800
Field officer	500	2,400
Captain	200	2,000
First lieutenant	150	1,700
Second lieutenant	150	1,500
Acting assistant surgeon	150	1,200
Veterinary surgeon	150	500
Post and regimental noncommissioned staff officer, hospital steward, chief musician, and sergeant of the Signal Corps, each	.....	500

For officers, when embarking under orders for extended service over the sea for duty, the allowance of baggage to be transported by the Quartermaster's Department from initial point to port of embarkation and from port of destination to garrison station will be three times the allowance prescribed above for change of station.

These allowances are in excess of the weights transported free of charge under the regular fares by public carriers. They may be reduced pro rata by the commanding officer, if necessary, and may, in special cases, be increased by the War Department on transports by water. Shipments of officers' allowance of baggage will in all cases be made at carrier's risk, including those over roads where tariffs provide for extra charge therefor. (*A. R., 1100, 1119.*)

GENERAL ORDERS, No. 9.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, January 16, 1899.

I. To curtail the large expense incident to cable communication, the Secretary of War directs that only such words be used in cable dispatches as are necessary to a clear comprehension of their contents. Hereafter messages by cable from abroad to officials at the War Department will be addressed with the following abbreviations:

Secwar (Secretary of War).
Asecwar (Assistant Secretary of War).
Genwar (Commanding General Army).
Agwar (Adjutant-General).
Inspecwar (Inspector-General, War Department).
Jagwar (Judge-Advocate-General).
Quagwar (Quartermaster-General).

Comwar (Commissary-General).
Signals (Chief Signal Officer).
Paywar (Paymaster-General).
Cengwar (Chief of Engineers).
Cordwar (Chief of Ordnance).
Surgwar (Surgeon-General, War Department).

II. By direction of the Secretary of War, the Chief Signal Officer of the Army is charged with the preparation of a suitable telegraphic cable code for the official use of the Army, and until such code is perfected the "Western Union Telegraphic Code" is adopted as a supplement to the "Telegraphic Code to Insure Secrecy in the Transmission of Telegrams" (War Department code now used), and will be furnished on requisition. Extra sheets containing sentences peculiarly suited for military use will be prepared by the Chief Signal Officer and forwarded from time to time for insertion in this code. Such special vocabularies and instructions as may be incorporated in this code must be closely followed. The two codes must not be used conjointly. (*A. R., 1210, 1211, 1545.*)

GENERAL ORDERS, No. 11.

HEADQUARTERS OF THE ARMY, ADJUTANT-GENERAL'S OFFICE, *Washington, January 17, 1899.*

The following act of Congress is published for the information and government of all concerned:

AN ACT making appropriations to supply urgent deficiencies in the appropriations for the support of the military and naval establishments for the last six months of the fiscal year ending June thirtieth, eighteen hundred and ninety-nine, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

* * * * * * *

WAR DEPARTMENT.

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That the time for the examination of monthly accounts by the bureaus and offices of the War Department after the date of their actual receipt and before transmitting the same to the Auditor for the War Department, as limited by section twelve of the legislative, executive, and judicial appropriation act, approved July thirty-first, eighteen hundred and ninety-four, is hereby extended from twenty days to sixty days for the period of one year from the date of the passage of this act.

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(*A. R., 627.*)

GENERAL ORDERS, No. 12.

HEADQUARTERS OF THE ARMY, ADJUTANT-GENERAL'S OFFICE, *Washington, January 17, 1899.*

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II. By direction of the Secretary of War, paragraph 1006 of the Regulations is amended by inserting in the nineteenth line, from foot of page 140, after the words, "signal sergeant †," the following: "enlisted man of the Signal Corps when employed as signal sergeant †."

GENERAL ORDERS, No. 20.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, January 27, 1899.

I. The attention of the War Department having been called to the existing delays in securing discharges of enlisted men on surgeon's certificate of disability in accordance with the provisions of General Orders, No. 100, July 10, 1898, from this office, the Secretary of War directs that department and corps commanders issue the necessary instructions to insure the prompt discharge of enlisted men unfit for service by reason of physical disability. (*A. R., 140.*)

II. By direction of the Secretary of War, the following paragraph is added to the Army Regulations:

149*a*. The discharge of a soldier takes effect on the date of notice to him of such discharge, either actual, by delivery of the certificate of discharge, or constructive, as where such delivery can not be made owing to his absence through his own fault, in which case the receipt of the discharge at the station where he ought to be will be deemed sufficient notice. The date of discharge on the final statements must be the same date as that on the discharge certificate.

III. By direction of the Secretary of War, paragraph 1397 of the Regulations is amended to read as follows:

1397. No person will be appointed a hospital steward until he has served a year as acting hospital steward; nor will a steward be appointed or an acting steward be detailed until he has passed a satisfactory examination, under the direction of the Surgeon-General. Privates who have served at least three months in the Hospital Corps may be recommended to the Surgeon-General for promotion by the senior medical officer of the command. From those thus recommended acting stewards will be detailed, after passing the required examination. These examinations will be conducted by a board composed of three medical officers of the station at which the applicant may be serving, or of such a number of medical officers less than three as may be present, and if no medical officer is there on duty, the candidate will be sent for examination to the nearest station provided with such an officer. The report of the board will be forwarded direct to the Surgeon-General.

GENERAL ORDERS, No. 21.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, February 1, 1899.

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II. By direction of the Secretary of War, paragraph 223 of the Regulations is amended to read as follows:

223. Whenever, in the opinion of a commanding officer, the condition of any silken color, standard, or guidon in the possession of his command has become unserviceable, a board of survey will be appointed to report for the information of the Secretary of War its condition and as to the necessity of supplying a new one. If requiring repair, application to have it placed in a serviceable condition should be made to the Quartermaster-General. Service colors and guidons will be submitted to the action of an inspector when unfit for further use. Upon receipt of new silken colors, standards,

or guidons, commanding officers will cause those replaced to be suitably labeled and sent to the Adjutant-General of the Army for preservation, but organizations which participated in the war with Spain will be allowed to retain the colors, standards, or guidons carried by them during the continuance of hostilities.

GENERAL ORDERS, No. 22.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, February 3, 1899.

By direction of the Assistant Secretary of War, the following instructions relating to the functions of the "fiscal agents of the Government of the United States" in the islands of Cuba and of Porto Rico are published to the Army for the information and guidance of all concerned:

1. The North American Trust Company, of New York, and the firm of De Ford & Co., of Boston, Mass., have been designated by the President of the United States as "fiscal agents of the Government of the United States," the former as agents at Santiago, Habana, and other places in the island of Cuba, and the latter as agents in the island of Porto Rico. As expressed in their bonds, these agents have been designated—

> For such service as the Government may require, upon the following agreement, terms, and conditions, which have been duly accepted and entered into by the said [agents]; that is to say, that the said [agents] will, while they continue such agents of the said Government, accept, protect, and pay all bills and drafts drawn upon them by the Government, or on its account by its officers or other persons duly authorized for that purpose, and properly presented or coming to them for acceptance, protection, or payment, charging therefor commissions of one-half of 1 per centum, and will promptly account for and pay over to the said Government, when required so to do, all moneys and balances of said Government at any time remaining in their hands. The said Government agreeing on its part to furnish the money to the said [agents] for the payment of said bills and drafts from time to time as the same may be required.

Money is furnished to said fiscal agents by warrants drawn by the Secretary of the Treasury on assistant treasurers and designated depositaries in the United States, and with the proceeds these agents establish credits at their respective business houses in Cuba and in Porto Rico in favor of disbursing officers of the War Department for such amounts (subject to current charges for exchange) as may be requested by the War Department. Each disbursing officer authorized to draw checks against a credit so established is given official notice of the amount of the credit, the appropriation, the name of the fiscal agents, and the place. On receiving notice from the fiscal agents of the establishment of such a credit, the disbursing officer debits himself with the full amount of the credit and pays the agents the charges for exchange at rates current at the time, taking a receipt for such payment showing the specific credit on which the exchange was paid. The charges of one-half of 1 per centum for disbursement of funds advanced to the fiscal agents on Government account are settled through the accounting officers of the Treasury, and are not paid by the disbursing officers. The obligations of the agents do not require them to accept from holders, at par, at their business houses in Cuba and in Porto Rico, checks of disbursing officers drawn, not on them, but on the Treasurer, or an assistant treasurer, or designated depositary located in the United States. Such checks in the hands of holders in those countries are subject to the local discounts or charges for collection.

2. A disbursing officer stationed in Cuba or Porto Rico having a credit with said fiscal agents is authorized to transfer any unused portion of his credit (unexpended balance) by drawing his check directing the fiscal agents to place a stated amount to the official credit of the officer named therein and sending it to the agents, and sending invoices of the funds to the receiving officer.

3. Disbursing officers of the War Department stationed in Cuba and Porto Rico, being far remote from the designated depositaries, are specially authorized by the Secretary of War to keep, at their own risk, money received in coin or currency which they may be authorized to disburse and such moneys as may be officially intrusted to them for disbursement. The obligations of the fiscal agents in Cuba and in Porto Rico are set forth in their bonds hereinabove quoted, but they are not designated depositaries of the United States, and public moneys will not be deposited with them, under A. R., 608 and 609, to be carried to the credit of the Treasurer of the United States; nor will the amount of credit of any disbursing officer with them be increased by any deposit by him of funds to be held for disbursement.

4. Disbursing officers in Cuba and Porto Rico having coin or currency or both in their possession in excess of needs, or which for any reason should be deposited to the credit of the Treasurer of the United States, may exchange the same for official checks of U. S. disbursing officers drawn against the Treasurer or any assistant treasurer of the United States in favor of the depositing officers themselves or of public creditors, and may use such checks for making deposits under A. R., 608 and 609, by indorsing them "Pay to the Treasurer of the United States," adding their official signatures, and forwarding them by mail to the Treasurer of the United States, Washington, D. C., with a letter requesting that the amount thereof be deposited in the Treasury and carried to the credit of the appropriation to which the funds should go, naming it, or to that of "miscellaneous receipts," as the case may require. Depositing officers using such checks for the purpose herein described will be held strictly responsible for the genuineness and sufficiency of all indorsements on the same preceding their own. Should it be impracticable to obtain United States disbursing officers' checks for the purpose, the money (U. S. coin or currency) will be forwarded through the Quartermaster's Department, under A. R., 1128, to the Treasurer of the United States with letter of advice, as in the case of checks. The Quartermaster's Department will furnish transportation upon application of the depositing officer to the chief quartermaster of the department in which he is serving (*A. R., 608, 609, 1128, 1349, 1350.*)

GENERAL ORDERS, No. 23.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, February 7, 1899.

I. By direction of the Secretary of War, the following is published to the Army for the information and guidance of all concerned:

The action of corps, division, and brigade commanders, heretofore taken in granting furloughs to enlisted men of their command and extending the the limit of the same, is hereby confirmed and commutation of rations will be paid accordingly.

The commanding officer of a regiment or a detached troop, battery, or

company in the field may grant furloughs, not exceeding twenty days at one time, to five per centum of the enlisted men (present therewith), but subject to the approval of the brigade commander or the commanding officer of the forces of which said enlisted men form a part.

Brigade commanders may approve furloughs issued by the commanding officer of a regiment, detached troop, battery, or company in the field under his command, and may grant furloughs to enlisted men of any organization under their command, or extend furloughs already given, for a period not to exceed, in all, twenty days.

Division commanders may grant furloughs to enlisted men belonging to organizations under their command for thirty days or extend to such period furloughs already granted.

The commanding officer of a corps or of a separate command in the field may suspend the granting of furloughs in any or all organizations within his command whenever, in his opinion, circumstances may render it necessary or advisable or for the best interests of the service.

The foregoing regulations shall not be construed to affect existing orders and regulations regarding furloughs given to men about to be discharged, or to furloughs to enlisted men on account of sickness. (*A. R., 106–108.*)

II. By direction of the Secretary of War, paragraphs 107 and 1257 of the Regulations are amended to read as follows:

107. Corps or department commanders may grant furloughs to enlisted men, sergeants of the post noncommissioned staff excepted, for two months, and the Commanding General of the Army for four months, or they may extend to such periods furloughs already granted. For a longer period than four months the authority of the Secretary of War is necessary. Permission to delay may be granted to enlisted men traveling under orders as authorized for furloughs. The conditions under which furloughs to soldiers on reenlistment are authorized will be announced from time to time in orders.

1257. When enlisted men supplied with cooked or travel rations travel unaccompanied by an officer, funds for the purchase of liquid coffee in lieu of the coffee and sugar portion of the travel ration, at the rate of 21 cents per day for the anticipated number of days' travel, may, on the order of the commanding officer who directs the journey, be paid to each man, and his receipt therefor taken on a receipt roll, which must be accompanied by a copy of the order. When enlisted men supplied with cooked or travel rations travel under command of an officer, funds at the same rate for the same purpose will be transferred to him to be disbursed and accounted for. At the end of the journey the unexpended balance, if any, will be transferred to company commanders pro rata, to be taken up by them as part of the company fund.

GENERAL ORDERS, No. 26.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, February 9, 1899.

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II. By direction of the Secretary of War, the following is published for the information and guidance of all concerned:

The Quartermaster's Department will furnish transportation for the pri-

vate horses of officers of volunteers who may be mustered out of the service on account of the muster out of their organizations, or by reason of their services being no longer required, from the places where they are mustered out to the places where they were enrolled or entered the volunteer service, respectively, provided it be shown that such private horses were obtained at the latter places. (*A. R., 1069.*)

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GENERAL ORDERS, No. 31.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, February 21, 1899.

I. By direction of the Secretary of War, the commanding general, Division of Cuba, is authorized to determine the rate of commutation of rations to be allowed enlisted men in the island of Cuba who may be detailed on special duty which separates them from messing facilities with the troops, such commutation to be allowed only in cases of necessity, and in no case to exceed the rate of one dollar and fifty cents per day. All such allowances will be announced in special orders from the headquarters of the Division of Cuba, the order giving in each case the name of the enlisted man, the place and special duty on which engaged, the rate of the allowance and the date on which it is to begin. (*A. R., 1272, 1273.*)

II. By direction of the Secretary of War, paragraph 1439 of the Regulations is amended to read as follows:

1439. When a soldier in hospital is detached from his company, his company commander will send to the hospital his descriptive list. The surgeon in charge will enter thereon all payments, stoppages, and the money value of all clothing issued, and when the soldier is returned to duty, transferred, discharged, dies, or deserts, a new descriptive list containing a complete statement of his accounts will be sent to his company or other commander, and the original will be retained by the officer in command of the hospital for his own protection. If the soldier is discharged from the service while in hospital, the surgeon will furnish him with final statements and notify the Adjutant-General of the Army and the company commander of the date, place, and cause of discharge. If the soldier die in hospital, the surgeon will take charge of his effects and make the reports required in paragraph 158.

GENERAL ORDERS, No. 34.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, March 2, 1899.

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II. By direction of the Secretary of War, paragraphs 377 and 1301 of the Regulations are amended to read as follows:

377. Light and siege batteries serving with other troops will perform their own guard, police, and fatigue duty, and officers and men will be exempt from detail for other duty of like character, except when in the judgment of the post commander the necessities of the service will not permit such exemption, in which case he will immediately report his action and the circumstances to the department commander.

1301. The following officers, in addition to those whose pay is fixed by law, are entitled to pay as mounted officers: Officers of the staff corps below the rank of major, officers serving with troops of cavalry, officers of a light or siege battery duly organized and equipped, authorized aids duly appointed, officers serving with companies of mounted infantry, and officers on duty which in the opinion of the department commander requires them to be mounted, and so certified by the latter on their pay vouchers. Acting judge-advocates of military departments, duly detailed, are entitled, while so serving, to the rank, pay, and allowances of captains of cavalry.

GENERAL ORDERS, No. 36.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, March 4, 1899.

The following act of Congress is published for the information and government of all concerned:

AN ACT for increasing the efficiency of the Army of the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the date of approval of this act the Army of the United States shall consist of——

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SEC. 3. * * * In addition to the enlisted men specified, there shall be one electrician sergeant to each post garrisoned by coast artillery having electrical appliances, who shall have the pay and allowances of an ordnance sergeant. (*A. R., 91.*)

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SEC. 9. That the cooks authorized by this act shall have the pay and allowances of sergeants of infantry. (*A. R., 302.*)

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SEC. 16. That the Secretary of War be, and he is hereby, authorized to permit enlisted men of the United States Army to make allotments of their pay, under such regulations as he may prescribe, for the support of their families or relatives, for their own savings, or for other purposes, during such time as they may be absent on distant duty, or under other circumstances warranting such action. (*A. R., 1348.*)

SEC. 17. That no officer or private soldier shall be detailed to sell intoxicating drinks, as a bartender or otherwise, in any post exchange or canteen, nor shall any other person be required or allowed to sell such liquors in any encampment or fort or on any premises used for military purposes by the United States; and the Secretary of War is hereby directed to issue such general order as may be necessary to carry the provisions of this section into full force and effect. (*Art. XXXIX, A. R.*)

SEC. 18. That all laws or parts of laws which conflict with the provisions of this act are hereby repealed.

Approved, March 2, 1899.

GENERAL ORDERS, No. 39.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, March 10, 1899.

The following acts of Congress are published for the information and government of all concerned:

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III. AN ACT to permit volunteer regiments to retain their colors.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized to permit volunteer regiments, on being mustered out of the service of the United States, to retain all of their regimental colors. Said colors shall be turned over to the State authorities to which

said regiments belong, and the regimental quartermaster in making his returns may, in lieu of said colors and in full release therefor, file with the proper official of the War Department a receipt from the quartermaster-general of said State that said colors have been delivered to said State authorities.

Approved, February 25, 1899.

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(*Art. XXX, A. R.*)

GENERAL ORDERS, No. 40.

HEADQUARTERS OF THE ARMY, ADJUTANT-GENERAL'S OFFICE, *Washington, March 10, 1899.*

By direction of the Secretary of War, the following is published to the Army for the information and guidance of all concerned:

Disbursing officers of the Army may deposit public moneys appropriated by Congress that are to be disbursed in the island of Cuba, as the same may be needed, with the assistant treasurer in New York, to the credit of the North American Trust Company as fiscal agent of the United States for the island of Cuba, in order that proper credits therefor may be given, by means of exchange, at the proper branch banks of the said North American Trust Company in the said island, in favor of the respective disbursing officers under the agreement of said fiscal agent and as the public service may require; and officers having in their custody, care, or control moneys collected as revenues of said island, from whatever source, may deposit the same with said branch banks to the credit of themselves, respectively, as such officers so in custody or control of the same and subject to their own respective orders.

Disbursing officers of the Army may deposit public moneys appropriated by Congress that are to be disbursed in the island of Porto Rico, as the same may be needed, with the assistant treasurer in Boston, Mass., to the credit of De Ford & Co., of Boston, as fiscal agent of the United States for the island of Porto Rico, in order that proper credits therefor may be given, by means of exchange, at the proper branch banks of the said De Ford & Co., in the said island in favor of the respective disbursing officers under the agreement of said fiscal agent and as the public service may require; and officers having in their custody, care, or control moneys collected as revenues of said island, from whatever source, may deposit the same with said branch banks to the credit of themselves, respectively, as such officers so in custody or control of the same and subject to their own respective orders.

(*A. R., 580, 583, 584.*)

GENERAL ORDERS, No. 41.

HEADQUARTERS OF THE ARMY, ADJUTANT-GENERAL'S OFFICE, *Washington, March 11, 1899.*

By direction of the Secretary of War, paragraphs 823, 825, and 826 of the Regulations are amended to read as follows;

823. Any male citizen of the United States or person who has legally declared his intention to become a citizen, if above the age of 21 and under the age of 35 years, able-bodied, free from disease, of good character and temperate habits, may be enlisted under the restrictions contained in this article. In regard to age or citizenship this regulation shall not apply to

soldiers who have served honestly and faithfully a previous enlistment in the Army.

825. The enlistment of persons of any of the following classes is *prohibited:* Former soldiers whose service during last term of enlistment was not honest and faithful, insane or intoxicated persons, deserters from the military or naval service of the United States, persons who have been convicted of felony or who have been imprisoned under sentence of a court in a reformatory, jail, or penitentiary; also for original enlistment, persons under 18 or over 35 years of age, and, for first enlistment in time of peace, any person (except an Indian) who is not a citizen of the United States, or who has not made legal declaration of his intention to become a citizen of the United States, or who can not speak, read, and write the English language.

826. Recruiting officers will be very particular to ascertain the true age of the recruit. If any doubt exists as to the applicant's statement regarding his age, his oath will not be taken as conclusive evidence of the fact, and if he can not furnish competent proof to support his statement he will be rejected. Minors between the ages of 18 and 21 years may be enlisted with the written consent of father, only surviving parent, or legally appointed guardian. When a minor presents himself for enlistment under the provisions of this paragraph, his parents or guardian, should he have any, will be found and informed of the application; should he be without parents or guardian, the recruiting officer must reject him unless the applicant shall procure the legal appointment of a guardian and obtain his written consent.

GENERAL ORDERS, No. 42.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, March 13, 1899.

The following act of Congress is published for the information and government of all concerned:

An Act Making appropriation for the support of the Regular and Volunteer Army for the fiscal year ending June thirtieth, nineteen hundred.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the support of the Army for the year ending June thirtieth, nineteen hundred.

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MISCELLANEOUS.

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For mileage to officers and contract surgeons, when authorized by law, five hundred thousand dollars: *Provided,* That hereafter the maximum sum to be allowed and paid to any officer of the Army shall be seven cents per mile, distances to be computed over the shortest usually traveled routes: *Provided further,* That when any officer so traveling shall travel in whole or in part on any railroad on which the troops and supplies of the United States are entitled to be transported free of charge, or over any of the bond-aided Pacific railroads, or over the railroad of any railroad company which is entitled to receive only fifty per centum of the compensation earned by such company for transportation services rendered to the United States, he shall be furnished with a transportation request by the Quartermaster's Department for such travel; and the cost of the transportation so furnished shall be a charge against the officer's mileage account for such travel, to be deducted by the paymaster who pays the account, at rates paid by the general public for travel over such roads: *Provided further,* That officers who, by reason of the decision of the accounting officers of the Treasury, have been compelled to pay from their own means one-half of the cost of their travel fare

over railroads known as fifty per centum railroads, shall be reimbursed the same by the Pay Department, and paymasters against whom disallowances have been made by the accounting officers of the Treasury under such decision shall have the amount so disallowed passed to to their credit: *Provided further*, That actual expenses only shall be paid to officers when traveling to and from our island possessions in the Atlantic and Pacific oceans.

For traveling expenses and commutation of quarters for civilian physicians employed by the Surgeon-General, one thousand dollars.

For four hundred contract surgeons, seven hundred and twenty thousand dollars.

For two months' extra pay to the enlisted men who served in the Astor Battery, and who have been honorably discharged therefrom, two thousand eight hundred and thirty-four dollars and forty cents.

All the money hereinbefore appropriated, except the appropriation "for mileage to officers when authorized by law." (*A. R., 1321.*)

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QUARTERMASTER'S DEPARTMENT.

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INCIDENTAL EXPENSES: * * * For the apprehension, securing, and delivering of deserters, and the expenses incident to their pursuit, and no greater sum than fifty dollars for each deserter shall in the discretion of the Secretary of War be paid to any officer or citizen for such services and expenses. (*A. R., 128.*)

* * * * * * *

That all enlisted men in the Regular Army who enlisted subsequent to the declaration of war and for the war only and mustered out of the service who have served honestly and faithfully beyond the limits of the United States shall be paid two months' extra pay on muster out and discharge from the service, and all enlisted men in the Regular Army who enlisted subsequent to the declaration of war for the war only and mustered out of the service who have served honestly and faithfully within the limits of the United States shall be paid one month's extra pay on muster out and discharge from the service from any money in the Treasury not otherwise appropriated, said moneys to be immediately available.

That the act of January twelfth, eighteen hundred and ninety-nine, be, and it is hereby, amended so as to authorize the payment to the legal heirs or representatives of the officers and enlisted men who died or were killed or who may die in the service, the extra pay provided for in that act for officers and enlisted men who have been or are to be mustered out. (*A. R., 1382–1388.*)

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GENERAL ORDERS, No. 45.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, March 13, 1899.

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II. By direction of the Seeretary of War the following is added to the table of articles for issue in paragraph 1265 of the Regulations:

7. Towels, huck:
For use in the offices of the adjutant, quartermaster, and commissary—
Such number as the commanding officer may order, not to exceed 12 per year, for each of the above offices. To be issued on memorandum receipts to the commissary.

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GENERAL ORDERS, No. 47.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, March 15, 1899.

By direction of the Secretary of War, the following instructions are published to govern until further orders, and General Orders, No. 71, June 17, 1898, from this office, is amended accordingly:

In the absence of a commissioned medical officer or contract surgeon,

recruiting officers are authorized to employ a civilian physician to make the examination of recruits preceding enlistment required by Army Regulations, at the following rates of compensation:

For the examination of a single recruit, $1; of two recruits on the same day, $1.50; of three on the same day, $2; of four on the same day, $2.50, and 40 cents for each recruit over four examined on any one day.

At recruiting stations where a large number of recruits are to be examined, or when a recruiting officer goes from place to place for the purpose of securing recruits, application will be made to the Surgeon-General for authority to employ a physician by the month under contract.

When a recruiting officer who has employed a contract surgeon under proper authority is ordered from place to place to make enlistments, he will give the contract surgeon proper written orders in advance to accompany him for the purpose of examining recruits, naming the places to be visited, and stating in the order that the travel enjoined is necessary for the public service. (*A. R., 842, 1458.*)

GENERAL ORDERS, No. 48.

HEADQUARTERS OF THE ARMY, ADJUTANT-GENERAL'S OFFICE, *Washington, March 15, 1899.*

By direction of the Secretary of War, the following is published to the Army for the information and guidance of all concerned:

The Army appropriation bill, approved March 3, 1899, provides—

> That all enlisted men in the Regular Army who enlisted subsequent to the declaration of war for the war only and mustered out of the service who have served honestly and faithfully beyond the limits of the United States shall be paid two months' extra pay on muster out and discharge from the service, and all enlisted men in the Regular Army who enlisted subsequent to the declaration of war for the war only and mustered out of the service who have served honestly and faithfully within the limits of the United States shall be paid one month's extra pay on muster out and discharge from the service, from any money in the Treasury not otherwise appropriated, said moneys to be immediately available.

In order to enable paymasters to carry out the provisions of the above act, officers signing final statements will hereafter in all cases note thereon whether the soldier has served honestly and faithfully outside or only within the limits of the United States, and whether he is entitled to one or two months' extra pay, as the case may be. (*A. R., 148, 1382–1388.*)

GENERAL ORDERS, No. 52.

HEADQUARTERS OF THE ARMY, ADJUTANT-GENERAL'S OFFICE, *Washington, March 20, 1899.*

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II. By direction of the Secretary of War, paragraph 1203 of the Regulations is amended to read as follows:

1203. A monthly allowance of six brooms and four scrubbing brushes will be issued to each company, and an annual allowance of six scrubbing brushes to each post bakery is authorized. They will habitually be drawn quarterly, but may be drawn when needed. If less than the maximum allowance is drawn in one quarter, credit can not be given in another. The allowance for each noncommissioned staff officer will be three brooms and two scrubbing brushes per annum.

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GENERAL ORDERS, No. 53.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, March 21, 1899.

I. By direction of the Secretary of War, paragraph 2, General Orders, No. 110, August 1, 1898, from this office, is amended to read as follows:

2. Ration returns (Form No. 58, Subsistence Department) will, whenever practicable, be made and submitted with the morning reports on the following dates and will cover the following ration periods: On the day preceding the first day of the month, for the ration period from the first to the tenth day of the month, both days inclusive; on the tenth day of the month, for the ration period from the eleventh to the twentieth day of the month, both days inclusive; on the twentieth day of the month, for the ration period from the twenty-first to the last day of the month, both days inclusive; and will be based upon the full strength present on the days of submission, as shown by the accompanying morning reports for those days. Commanding officers of organizations will give special attention to the duty of adding and deducting rations on the returns on account of men joining and leaving during the immediately preceding ration periods, and post and regimental commanders, before approving such returns for issue, will cause the additions and deductions thereon to be verified from the morning reports on file. The days for drawing the rations from the commissary will be fixed by the post or brigade commander. (*A. R., 1258, 1262.*)

II. By direction of the Secretary of War, paragraph 1301 of the Regulations (General Orders, No. 65, June 7, 1898; General Orders, No. 119, August 11, 1898, and General Orders, No. 34, March 2, 1899, Adjutant-General's Office) is amended to read as follows:

1301. The following officers, in addition to those whose pay is fixed by law, are entitled to pay as mounted officers: Officers of the staff corps below the rank of major, officers serving with troops of cavalry, officers of a light or siege battery duly organized and equipped, authorized aids duly appointed, officers serving as military attachés to the embassies and legations of the United States at foreign capitals, officers serving with companies of mounted infantry, and officers on duty which in the opinion of the Secretary of War or the department or corps commander requires them to be mounted and so certified by him on their pay vouchers.

Acting judge-advocates of military departments, duly detailed, are entitled, while so serving, to the rank, pay, and allowances of captains of cavalry. Battalion adjutants are entitled to mounted pay upon the certificate of their regimental commanders that they are on duty which requires them to be mounted.

GENERAL ORDERS, No. 54.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, March 22, 1899.

By direction of the Secretary of War, the following instructions are published for the guidance of all concerned:

When volunteer organizations serving in Cuba, Porto Rico, Hawaii, and the Philippine Islands receive orders to proceed to the United States for muster out of service, officers and enlisted men of such organizations whose service has been honest and faithful, who desire to remain in those islands, may be discharged by commanding generals of departments upon written

applications approved by their respective company and regimental commanders.

Officers and soldiers discharged under this order will be entitled to travel allowances for the *land travel* involved from the place of their discharge to the place of their enlistment. For the *sea travel* the special orders issued by the commanding generals of the departments for the discharge of officers will state in each case that the officer is entitled to free transportation and in the cases of enlisted men to free transportation and subsistence on any United States transport leaving the island for the United States within one year from the date of discharge. When transportation or subsistence are furnished on such orders, the fact will be noted thereon, and also on the discharge certificate, by the quartermaster.

The discharge certificate for officers and men and the final statements will cite this order as the cause of discharge, and the final statements of enlisted men must show clearly the place from which *land-travel* allowance is due, if any, to the port of embarkation and from the port of debarkation in the United States to the place of enlistment.

The physical examination required to be made of officers and men before discharge will be conducted under the supervision of the proper mustering officers detailed for the purpose by department commanders, and they will also be charged with the examination of final statements before they are delivered to the men.

Soldiers of the Regular Army when discharged by reason of expiration of term of service or for the convenience of the Government, who desire to remain on the island where discharged, will be entitled to the same travel allowances and to free transportation and subsistence as provided for in this order.

(*A. R. 140, 150, 1385.*)

GENERAL ORDERS, No. 57.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, March 28, 1899.

By direction of the Secretary of War, the following order is published for the information and guidance of all concerned:

With the concurrance of the Secretary of the Navy, the following regulations are established regarding the procedure in interchanging visits between naval officers and officials connected with the administration of the islands or groups of islands now occupied by the United States forces.

The term governor-general shall be taken to mean an administrative officer under whom officials with the title of governor are acting.

The salute of a governor-general shall be seventeen guns.

All naval officers in command shall make first visit upon the governor-general, whatever the latter's military grade. Officers of the Army holding commands under a governor-general, or acting as governors of provinces, departments, or cities, shall make the first visit upon a naval commander in chief, if the latter is of equal or superior grade, as shall also civilian governors of provinces, departments, or cities.

If not a commander in chief, the first visit shall be made by the senior naval officer upon officers of the Army holding command under a governor-general or acting as governors of provinces, departments, or cities, if the

latter are equal or superior in grade, and upon civilian governors of provinces, departments, or cities.

Should the governor-general be a civilian, and therefore not holding direct military command, the naval commander in chief shall make the first visit both upon the governor and the Army officer in chief command of troops in the island or group of islands, if the latter is of equal or superior grade.

Visits should be exchanged under the above rules between a naval commander in chief or senior naval officer: (1) With the governor; (2) the governor of a province, department, or city; (3) the Army officer in chief command at a place where there is a civil governor.

Should the governor-general or any other officer administering the government of an island find that from indisposition or pressure of important business he is unable to pay or return these visits in person, he will depute his aid-de-camp or some other officer to do so. In like manner, should a naval commander in chief from indisposition or pressing occupation be precluded from paying or returning these visits, he will depute an officer not below the rank of flag lieutenant to do so. In each case the officer failing to pay the required visit in person will report the circumstances, and assign the reasons which led to the omission to the department under which he is acting.

(*A. R.*, *421–425.*)

GENERAL ORDERS, No. 62.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, April 5, 1899.

By direction of the Acting Secretary of War, paragraph 959, Army Regulations, is amended to read as follows;

959. When a reporter is employed under section 1203, Revised Statutes, he shall be paid upon the certificate of the judge-advocate not to exceed $1 an hour for the time occupied in court by himself or a competent assistant necessarily employed for him by the judge-advocate, and 15 cents per 100 words for the first and 5 cents per 100 words for each additional copy of the transcript of notes and of exhibits copied; and in case the court is held more than 10 miles from the place of employment of himself and assistants they shall each be allowed mileage over the shortest usually traveled route at the rate of 8 cents per mile going to the place of holding the court and $3 a day for expenses while necessarily kept by the judge-advocate away from the place of employment.

GENERAL ORDERS, No. 63.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, April 7, 1899.

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III. By direction of the Acting Secretary of War, paragraph 233 of the Regulations is amended to read as follows:

233. The staff of a regiment consists of the adjutant, quartermaster, and commissary, and they will be so designated. They will be appointed by the regimental commander, who will at once report his action to the Adjutant-General by telegraph; the appointment of the quartermaster and commis-

sary is made subject to the approval of the Secretary of War. Each appointment will take effect the day on which it is made, and the officer appointed will be entitled to the pay pertaining thereto from the date when he assumes the duties under such appointment. The regimental commanders of cavalry and infantry regiments will appoint the squadron and battalion adjutants.

GENERAL ORDERS, No. 65.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, April 10, 1899.

By direction of the Acting Secretary of War, the following is published for the information and guidance of all concerned:

Paragraph 635 of the Regulations requires that the money accounts of disbursing officers of the United States Army shall be rendered in terms of dollars and cents, and to secure uniformity in the preparation and rendition of their accounts, the following illustration of the method of stating the value of foreign silver or gold in the islands now occupied by the United States forces is published:

The accounts, whether for purchases or services, will be stated in the currency under which the indebtedness is incurred, i. e., foreign silver or gold or United States currency.

If the agreement calls for either foreign silver or gold, the account shall be stated in those currencies respectively. When in silver, the total amount will be reduced to its equivalent in the gold currency in use in the country in which the indebtedness is incurred, at the rate of exchange which may govern at the time, and from this gold currency into United States currency at the current rate of exchange at date of payment. If the account is stated in the gold currency in use, but the one reduction—into United States currency—will be necessary.

The amount in United States currency having been arrived at, authority is hereby given for checks to be drawn therefor by disbursing officers to their own orders in United States currency and by them exchanged at local fiscal agencies of the United States where possible, or at local banks, for the necessary amount in the coin required to pay the creditor in the money originally agreed upon, and authority is hereby given for such exchange where the creditor declines to accept check payable in currency of the United States.

The vouchers for accounts will be made to show the debt as actually incurred, in the coin in which payment is made, and the reduction from this coin to United States currency, the rate of exchange being stated on the voucher, and the amounts stated on abstracts and account current in United States currency, as prescribed by paragraph 635 of the Regulations.

Attention is called to the provisions of General Orders, No. 22, February 3, 1899, from this office, relating to the functions of fiscal agents of the Government of the United States.

GENERAL ORDERS, No. 68.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, April 11, 1899.

By direction of the Acting Secretary of War and conformably to a decision of the Comptroller of the Treasury, dated March 30, 1899, the follow-

ing regulations governing that portion of the act of Congress approved March 3, 1899 (General Orders, No. 42, March 13, 1899, from this office, page 8, lines 24, 25, and 26), which provides "that actual expenses only shall be paid to officers when traveling to and from our island possessions in the Atlantic and Pacific oceans," are published for the information and guidance of all concerned:

Officers when traveling to and from Cuba and Porto Rico, in the Atlantic, and the Hawaiian, Philippine, and other islands in the Pacific Ocean, under orders and without troops, will be allowed actual expenses only, an itemized statement of which must be filed with each voucher for payment, as follows:

1. Fares upon railroads, steamers, or other usual modes of conveyance.

2. Cost of seat in parlor car, one double berth in sleeping car, or customary accommodations on steamer, where the same is not included in the travel fare.

3. Hire of special transportation, either by land or water, where there are no regular means of conveyance. Ferriage, tolls, driver's service, and horse keeping, when transportation is hired. Subvouchers, properly receipted, will be required for these items when the total cost exceeds $1. When not practicable to obtain such subvouchers, the officer will so certify.

4. Transfer coach fare en route to and from depots and hotels; or, when there are no conveyances, moderate and necessary hack hire not exceeding legal rates, and baggage fees to porters. Items for hack hire and porterage require explanation as to the distances and necessity for the same.

5. In addition to the above, the actual cost of meals and rooms, not to exceed $4.50 per day for the time actually and unavoidably consumed in the journey, will be allowed when the same is not included in the travel fare.

(*A. R., 1100, 1321–1335.*)

GENERAL ORDERS, No. 69.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, April 12, 1899.

1. The following opinion of the Attorney-General and orders of the Secretary of War based thereon are published for the information and guidance of all concerned:

DEPARTMENT OF JUSTICE,
Washington, D. C., April 5, 1899.

The honorable the SECRETARY OF WAR:

SIR: Section 17 of the act entitled "An act for increasing the efficiency of the Army of the United States, and for other purposes," approved March 2, 1899, provides as follows:

"That no officer or private soldier shall be detailed to sell intoxicating drinks, as a bartender or otherwise, in any post exchange or canteen, nor shall any other person be required or allowed to sell such liquors in any encampment or fort or on any premises used for military purposes by the United States; and the Secretary of War is hereby directed to issue such general order as may be necessary to carry the provisions of this section into full force and effect."

You request my opinion as to whether the statute above quoted prohibits the continuance of the sale of beer by the Government in the canteen sections of the post exchanges, which are organized and maintained at the various Army posts and encampments throughout the United States. I presume that by "beer" you mean a particular kind of intoxicating drink, and what I shall have to say will refer to that as well as to other "intoxicating drinks," that being the phrase used by the act in question.

In practice the Government commissary stores constituting the regulation ration allowed for the soldiers in each company are required by the War Department to be issued by the commissary officer to the commander of the company, and the commander of the company is (by

the same authority) required to have prepared for the mess table of the soldiers only such portion of the same as is found to be necessary at the time, and to sell the remainder and thereby constitute a "company fund" from which to supply the soldiers' mess table with desirable food not contained in the commissary stores drawn by him as regulation rations from the commissary officer as above stated.

At every post where it is practicable the War Department requires the post commander to institute a post exchange, the capital stock of which to be made up of contributions from the said funds arising out of the said sales of commissary stores and held by the company commanders, as above stated, and known as company funds. The post exchange is an establishment in which all articles are sold such as soldiers usually buy with the money they spend from their pay, and the establishment is divided up into the following sections:

"(*a*) A well-stocked general store in which such goods are kept as are usually required at military posts, and as extensive in number and variety as conditions will justify; (*b*) a well-kept lunch counter supplied with as great a variety of viands as circumstances permit, such as tea, coffee, cocoa, nonalcoholic drinks, soup, fish, cooked and canned meats, sandwiches, pastries, etc.; (*c*) a canteen at which, under the conditions hereinafter set forth, beer and light wines by the drink, and tobacco, may be sold; (*d*) reading and recreation rooms, supplied with books, periodicals, and other reading matter, billiard and pool tables, bowling alley, and facilities for other proper indoor games, as well as apparatus for outdoor sports and exercises, such as cricket, football, baseball, tennis, etc.; a well-equipped gymnasium, possessing also the requisite paraphernalia for outdoor athletics. At small posts it may be impracticable to maintain all of these sections, but at every exchange there should be no less than two departments: The refreshment, embracing store, lunch counter, and canteen; and the recreation, which includes all the other branches."

The net profits arising from the whole business go to the company funds from which the capital stock was contributed as above stated, and then are used with the rest of the funds, of course, to improve the soldiers' mess table. All of these transactions are carried on by the Government through the War Department under a branch of the Army Regulations promulgated as Post Exchange Regulations. Under these regulations it becomes the official duty of certain officers at the post to attend to the general direction of the business affairs of the post exchange, including all its sections, and the post commander and other officers are, of course, officially responsible to the Government for the management, discipline, and order of the whole matter. Also the Post Exchange Regulations provided for enlisted men to be detailed, under certain circumstances, as salesmen, etc., in all sections of the post exchange, including the canteen section.

Officers in command of camps, forts, reservations, or other premises used for military purposes have usually exercised the authority (when people desired to sell to soldiers) to allow them to come on the premises to do so, or to refuse to allow them such privileges, in their discretion, and also to dictate or determine what those should or should not sell who were permitted to come on the premises.

The post exchange, thus organized and conducted, is, in effect, a voluntary association, similar to an unincorporated club, the officers and men composing the garrison constituting the members thereof, and the rules and conduct of the exchange being under the regulation and supervision of the War Department.

The section of the statute referred to consists of three parts or clauses, namely:

1. That no officer or private soldier shall be detailed to sell intoxicating drinks, as a bartender or otherwise, in any post exchange or canteen;
2. Nor shall any other person be required or allowed to sell such liquors in any encampment or fort or on any premises used for military purposes by the United States;
3. And the Secretary of War is hereby directed to issue such general order as may be necessary to carry the provisions of this section into full force and effect.

The question to be decided is whether this enactment absolutely prohibits the sale of intoxicating drinks in any manner or by any person in any post exchange or canteen, or whether its effect is merely to modify and regulate sales of intoxicating drinks in those places by discontinuance of the custom heretofore followed of detailing enlisted men as salesmen in the canteens.

In order to solve this question and determine which is the proper construction, it is not permissible to resort to the debates in Congress, nor to refer to any particular remarks made by members of Congress at the time this provision was before that body for action. It is a rule of construction that what may be called the parliamentary history of an enactment is wisely inadmissible to explain its meaning. Its language can be regarded only as the language of the three branches of the legislative establishment, namely, the House of Representatives, the Senate, and the President, and the meaning attached to it by its framers, or

by the members of either House, can not control the construction of it. The opinion held or expressed by one or more members of Congress may or may not have been those entertained by the more than four hundred members who gave no such expression. The declaration of some and the assumed acquiescence of others therein can not be adopted as a true interpretation of the statute. Endlich on the Interpretation of Statutes, p. 41.

This doctrine of construction has frequently been stated and applied by the Supreme Court of the United States. See United States *v.* Freight Association, 166 U. S., 290, 318, where the earlier cases in that court are cited, and the following language is used by Mr. Justice Peckham:

"Debates in Congress are not appropriate sources of information from which to discover the meaning of the language of a statute passed by that body. The reason is that it is impossible to determine with certainty what construction was put upon an act by the members of a legislative body that passed it by resorting to the speeches of individual members thereof. Those who did not speak may not have agreed with those who did, and those who spoke might differ from each other, the result being that the only proper way to construe a legislative act is from the language used in the act, and, upon occasion, by a resort to the history of the times when it was passed."

Another rule of interpretation that must be applied in the construction of this statute is that no part of an act shall be regarded as meaningless or superfluous if a construction can be legitimately found which will preserve it and make it effectual. A construction of a statute which would leave without effect any part of the language should not be made, unless it is otherwise impossible to give a reasonable and consistent construction to the act. It is to be presumed that in enacting a law the legislature means precisely what it says, and the effort of the interpreter should be to give force and effect to every word, paragraph, and section of the act. (Endlich on the Interpretation of Statutes, p. 29.)

If this act was intended to be entirely prohibitory of the sale of intoxicating drinks in post exchanges or canteens, as well as in encampments, forts, and other premises used for military purposes, then, to say the least, Congress used a very circuitous route to reach that point, and employed many superfluous words to enact a simple provision, which could have been stated in a single sentence declaring that hereafter no intoxicating drinks should be dealt in or sold in any post exchange or canteen or any premises used for military purposes by the United States. The act does not make any such declaration. On the contrary, the first clause merely forbids the detail of an officer or private soldier to act as a bartender or otherwise in the sale of intoxicating drinks in any post exchange or canteen. Why specify officers and private soldiers as forbidden if it was intended to forbid the traffic by all other persons? The designation of one class of individuals as forbidden to do a certain thing raises a just inference that all other classes not mentioned are not forbidden. A declaration that soldiers shall not be detailed to sell intoxicating drinks in post exchanges necessarily implies that such sale is not unlawful when conducted by others than soldiers. If a statute were to provide that no liquors should be sold to minors in any saloon, would not everyone infer that the enactment was predicated upon a state of law which, as to others than minors, allowed the sale of liquor in saloons? As all parts of the act must be given effect according to their natural sense and meaning, if possible, it becomes necessary to attach to this first clause, therefore, a signification which implies that the sale of liquor in post exchanges is not unlawful when conducted by others than soldiers. Certainly, standing by itself, it can receive no other or broader meaning than that officers or private soldiers are not to be detailed to sell intoxicating drinks.

But the sale of intoxicating drinks in post exchanges and canteens is not the only method in which those commodities are supplied upon premises used for military purposes. As is stated above, officers in command of encampments, forts, reservations, and other premises have usually exercised the authority to allow persons to come upon the premises and sell intoxicating drinks to soldiers, or have exercised the discretion of refusing such privilege. The second clause would seem to relate particularly to this class of persons and to this custom. Given its full effect, it forbids any such license or permission to be granted hereafter by any military officer. I do not think that the second clause of the section is intended to modify or affect in any way the sale of intoxicating drinks in the post exchanges or canteens. That is dealt with and covered by the first clause. The second clause relates entirely to a different matter.

Strength is given to this proposition by the third clause, which directs the Secretary of War to issue such general order as may be necessary to carry the provisions of this section into full force and effect. If the section was intended to be an absolute prohibitory act, preventing the sale of intoxicating drinks on all Government premises occupied for military purposes, then it would execute itself and would require no general order from the Secretary of War or from anyone else. In the face of a general prohibitory section of that kind, such sales would be unlawful, and the order of the Secretary would not in any way enhance their illegality. If,

however, that interpretation be adopted which separates the first and second clauses and makes the second refer only to sales by persons not connected with post exchanges or canteens, then the third clause of the section becomes intelligible and appropriate, and applies to the future sales in post exchanges or canteens. The act having forbidden the employment of soldiers as bartenders or salesmen of intoxicating drinks, it would be lawful and appropriate for the managers of the post exchanges to employ civilians for that purpose. Of course, employment is a matter of contract, and not of requirement or permission. The regulation of the post exchanges and canteens being within the power of the Secretary of War, the act means that he shall by order modify the regulations upon that subject so as to make them consistent with the provisions of this act. To that end, it will be requisite that he shall determine the question of the persons who may be employed in the post exchanges, and such other conditions and requirements in connection therewith as his good judgment may dictate.

The result of these reflections is, then, that this section does not prohibit the continuance of the sale of intoxicating drinks through the canteen sections of the post exchanges, as heretofore organized and carried on, except that, of course, no officer or soldier can be put on duty in the canteen section to do the selling, either directly or indirectly. This latter the law clearly prohibits.

Very respectfully,

JOHN W. GRIGGS,
Attorney-General.

2. The provision of paragraph 3 of the Post Exchange Regulations (General Orders, No. 46, 1895, from this office), to the effect that "in establishing a new exchange, and at posts where the business is small, the steward and attendants may be enlisted men," is revoked so far as the canteen section is concerned, so that the said paragraph will hereafter be authority for the employment of civilians only in the canteen. So much of paragraph 10 of the said Exchange Regulations as requires that "the canteen must be in a room used for no other purpose, and, when practicable, in a building apart from that in which the recreation and reading rooms are located; the sale of beer must be limited to week days and the beer consumed upon the premises;" and that "the practice known as 'treating' will not be permitted," is amended by the addition thereto of the provisions that *no officer shall be assigned, nor any private soldier detailed, to sell intoxicating drinks, as a bartender or otherwise, in any post exchange, or canteen*, and that *such sales shall be made only by civilians employed for that purpose;* and the requirement of said paragraph 10 of the Exchange Regulations, to the effect that "*the sale or use of ardent spirits in any branch of the exchange is strictly prohibited*," is emphasized, and also extended so as to apply to any encampment or fort or premises used for military purposes.

3. No person shall be required, permitted, or allowed to sell liquors of any kind, character or description in any encampment or fort or any premises used for military purposes by the United States; and commanding officers are especially enjoined to see that this prohibition is strictly enforced, and that the sales of liquors in the canteen are confined to the sales of beer and light wines by civilians employed in the canteen for the purpose by the proper Government authorities.

(*Art. XXXIX, A. R.*)

GENERAL ORDERS, No. 73.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, April 17, 1899.

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II. By direction of the Secretary of War, paragraph 1257, Army Regulations, is amended to read as follows:

1257. When enlisted men supplied with cooked or travel rations travel unaccompanied by an officer, funds for the purchase of liquid coffee in lieu

of the coffee and sugar portion of the travel ration, at the rate of 21 cents per day for the anticipated number of days' travel, may, on the order of the commanding officer who directs the journey, be paid to each man and his receipt therefor taken on a receipt roll, which must be accompanied by a copy of the order. When enlisted man supplied with cooked or travel rations travels under command of an officer, funds at the same rate for the same purpose will be transferred to him to be disbursed and accounted for. At the end of the journey all money in excess of 21 cents per day per man for the actual number of days traveled will be transferred to the nearest commissary. Should any part of the 21 cents per day per man for the actual number of days traveled be unexpended, it will be transferred to company commanders *pro rata*, to be taken up by them as part of the company fund.

GENERAL ORDERS, No. 78.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, April 21, 1899.

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II. By direction of the Secretary of War, the following is published to the Army for the information and guidance of all concerned:

By authority of the President, under section 1146, Revised Statutes, the Commissary-General of the Army is authorized to reduce, on the recommendation of the chief commissary of the various departments, the amount of beef issued, and, in lieu thereof, to issue the equal money value of the quantity of beef thus reduced in ham or other articles of sales. The restrictions now existing in regard to the issue of fish when meat can not be furnished is removed, and the ration of fish will hereafter be issued in lieu of the ordinary beef ration when desired, and to the present ration 2 ounces of dried fruits are added. Paragraph 1253 of the Regulations is accordingly amended as follows:

Meat components in lieu of the ordinary beef ration when desired.

Dried fish—14 ounces per ration, 87 pounds 8 ounces per 100 rations;
Pickled fish—18 ounces per ration, 112 pounds 8 ounces per 100 rations;
Fresh fish—18 ounces per ration, 112 pounds 8 ounces per 100 rations.

Fruit components.

Dried fruits—2 ounces per ration, 12 pounds 8 ounces per 100 rations.

GENERAL ORDERS, No. 81.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, April 24, 1899.

I. By direction of the Secretary of War, the following decision of the Secretary of the Treasury and the orders of the War Department thereon are published to the Army for the information and guidance of all concerned:

TREASURY DEPARTMENT, *April 4, 1898.*

Respectfully returned to the honorable the Secretary of War. In compliance with above request and by virtue of the authority conferred upon the Secretary of the Treasury by section 3620, R. S., U. S., authority is hereby given to all officers engaged in receiving and dis-

bursing public moneys of the Subsistence Department at military posts and stations in places where there is no Treasurer or assistant treasurer of the United States, while discharging the duties of commissaries, to keep on hand at their own risk moneys pertaining to the appropriation "Subsistence of the Army," in such restricted amounts for facilitating payments to public creditors as shall from time to time be announced by the Secretary of War in orders from the War Department.

L. J. GAGE, *Secretary.*

Officers doing subsistence duty at other places than where the Treasurer or assistant treasurer of the United States is located will make application to the Secretary of War through proper military channels, if they have not already been authorized to keep public money in their personal possession, for authority to so keep at their own risk such specified sums as in their opinion may be necessary to enable them to make at their posts cash payments to enlisted men from time to time for commutation of rations while traveling, on furlough, etc., and for paying them coffee money individually when ordered to travel without an officer.

When it may be necessary to draw a check for obtaining money to be kept in personal possession for the purposes herein set forth, the disbursing officer will draw it in his own favor, and enter under the heading thereon "Object for which drawn," or "On account of," the following: "To hold funds in personal possession. Authority S. W., ———, 189—." Such checks will not be stated to be for "payments under $20."

II. By direction of the Secretary of War, the following circular from the Treasury Department containing instructions to United States disbursing officers, in connection with Treasury Department circular of August 14, 1897, published in General Orders, No. 53, August 25, 1897, from the Adjutant-General's Office, is published for the information and guidance of all concerned, and officers of the Army disbursing public funds will be held accountable for a strict compliance with its requirements:

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, D. C., April 17, 1899.

Hereafter any check drawn by a United States disbursing officer payable to himself, or "bearer," or "order," "to make payments of amounts not exceeding $20," under the provisions of Treasury Department regulations of August 14, 1897, should bear indorsed thereon the names of the persons to whom the amount drawn is to be paid, or be accompanied by a list or schedule made a part of the check containing the same information.

The object or purpose to which the avails are to be applied in case of any check drawn by a disbursing officer of the Army for an amount to be retained in his possession by authority of the Secretary of War, given under the provisions of Treasury Department circular regulations above mentioned, or by any disbursing officer given such special authority by the Secretary of the Treasury, under the provisions of section 3620, Revised Statutes of the United States, must be clearly indicated by a statement on the check that it is to obtain cash to hold in personal possession, and date of authority to so hold funds given.

Department circular regulations of August 14, 1897, No. 125, concerning United States disbursing officers' checks, are hereby amended accordingly.

O. L. SPAULDING, *Acting Secretary.*

(*A. R., 584, 596, 597.*)

GENERAL ORDERS, No. 83.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, April 28, 1899.

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II. By direction of the Secretary of War, section 4, paragraph 838, of the Regulations is revoked; and paragraph 828 is amended to read as follows:

828. The enlistment or reenlistment of married men for the line of the

Army is to be discouraged, and will be permitted only for some good reason in the public interest, the efficiency of the service to be the first consideration. Applications for such enlistments or reenlistments will be finally determined by the regimental commander, or other proper commanding officer if there be no regimental organization.

GENERAL ORDERS, No. 86.

HEADQUARTERS OF THE ARMY, ADJUTANT-GENERAL'S OFFICE, *Washington, May 2, 1899.*

I. By direction of the Acting Secretary of War, paragraph I, General Orders, No. 58, May 31, 1898; paragraph I, General Orders, No. 82, June 27, 1898; paragraph I, and so much of paragraph III as prescribes the regimental allowance of acting hospital stewards and privates of the Hospital Corps, General Orders, No. 178, November 8, 1898, from this office, are hereby revoked.

II. By direction of the Secretary of War, officers commanding the Division of Cuba, the Department of Porto Rico, the Department of the Pacific, and the troops in Hawaii are charged with the full control of the transfer from the line, enlistment, reenlistment, and discharge of members of the Hospital Corps of their commands, and with the detail of acting hospital stewards, provided that the allowance of acting hospital stewards and privates of the Hospital Corps, as fixed for each of these commands, be not exceeded, except by special authority; and provided also, that privates shall, whenever practicable, be required to pass a satisfactory examination, under regulations prescribed by the respective chief surgeons of the commands above specified, before they are detailed as acting hospital stewards. The provisions of Army regulation 1397, as amended by General Orders, No. 20, January 27, 1899, from this office, so far as they conflict with this order, are hereby suspended; but hospital stewards will be appointed as provided by existing regulations, after examination under direction of the Surgeon-General.

The Hospital Corps detachment allowed a regiment serving in divisions and departments of the insular possessions of the United States is fixed at one hospital steward, three acting hospital stewards, and twelve privates of the Hospital Corps.

(*A. R., 1397, 1403.*)

GENERAL ORDERS, No. 88.

HEADQUARTERS OF THE ARMY, ADJUTANT-GENERAL'S OFFICE, *Washington, May 4, 1899.*

I. By direction of the Acting Secretary of War, paragraph 1301 of the Regulations (General Orders, No. 65, June 7, 1898; General Orders, No. 119, August 11, 1898; General Orders, No. 34, March 2, 1899, and General Orders, No. 53, March 21, 1899, from this office) is amended to read as follows:

1301. The following officers, in addition to those whose pay is fixed by law, are entitled to pay as mounted officers: Officers of the staff corps below the rank of major, officers serving with troops of cavalry, officers of a light

or siege battery duly organized and equipped, authorized aids duly appointed, officers serving as military attachés to the embassies and legations of the United States at foreign capitals, officers serving with companies of mounted infantry, and officers on duty which in the opinion of the Secretary of War or the department or corps commander requires them to be mounted and so certified by him on their pay vouchers.

Acting judge-advocates of military departments, duly detailed, are entitled, while so serving, to the rank, pay, and allowances of captains of cavalry.

II. By direction of the Acting Secretary of War, all sentences of field officers' courts, approved after August 16, 1898, are set aside, as the field officers' court was not a legal court after that date. Soldiers still in the service will be credited on the current pay rolls with the forfeitures collected under such illegal sentences. (*A. W.*, *80.*)

GENERAL ORDERS, No. 89.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, May 5, 1899.

I. By direction of the Acting Secretary of War, the authority granted in General Orders, No. 22, from this office, February 3, 1899, to disbursing officers of the War Department stationed in Cuba and Porto Rico, who, being far remote from designated depositaries, are authorized to keep, at their own risk, money received in coin or currency which they may be authorized to disburse and such moneys as may be officially intrusted to them for disbursement, is extended so as to grant the same authority to such officers in the Philippine Islands. (*A. R.*, *608*, *609.*)

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GENERAL ORDERS, No. 90.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, May 5, 1899.

By direction of the Acting Secretary of War, paragraph 1109 of the Regulations, as amended by paragraph II, General Orders, No. 40, June 24, 1897, from this office, is further amended to read as follows:

1109. The following persons are entitled, at public expense, to a double berth in a sleeping car, or to the customary stateroom accommodations on steamers where extra charge is made for the same: Officers of the Army traveling on duty with troops, Army nurses, civilian clerks, and agents in the military service when traveling under orders on public business; sergeant-majors, ordnance, commissary, and quartermaster-sergeants (post or regimental), hospital stewards, chief musicians, principal musicians, chief trumpeters, saddler sergeants, and sergeants of the Signal Corps, when traveling under orders on public business without troops; also invalid soldiers when so traveling on the certificate of a medical officer showing the necessity therefor.

When the number of officers traveling with troops is too small to justify the hire by the Quartermaster's Department of a standard sleeping car for their accommodation, they shall be furnished with such part of a tourist

sleeping car, or other suitable sleeping car, properly curtained off for their accommodation, as the Quartermaster's Department may provide for their use during the journey.

GENERAL ORDERS, No. 92.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE.
Washington, May 10, 1899.

I. By direction of the Secretary of War, General Orders, No. 22, of April 12, 1897, from this office, is amended to read as follows:

On Memorial Day, May 30, at all Army posts and stations, the national flag will be displayed at half staff from sunrise till midday, and immediately before noon the band, or field music, will play a dirge, "Departed Days," or some appropriate air, and the national salute of 21 guns will be fired at 12 m. at all posts and stations provided with artillery. At the conclusion of this memorial tribute, at noon, the flag will be hoisted to the top of the staff and will remain there until sunset. When hoisted to the top of the staff the flag will be saluted by playing one or more of the national airs. In this way fitting testimonial of respect for the heroic dead and honor to their patriotic devotion will be appropriately rendered. (*A. R., 450.*)

II. By direction of the Secretary of War, paragraph 1201 of the Regulations is amended to read as follows:

1201. There will be furnished by the Quartermaster's Department to all duly authorized bands of the Army the following-named musical instruments, viz: Db piccolo, terz and concert flutes, Eb and Bb cornets, Eb trumpets, Eb and Bb clarionets, Eb altos, Bb trombones (valve or slide), Bb baritones. Eb, Bb, and BBb bassos, bass and snare drums, cymbals, triangles, music stands, and extra parts for the repair of the instruments; also batons with suitable cords and tassels for use of drum majors of all dismounted bands. Mounted bands may be supplied with a pair of kettle drums in lieu of the bass and tenor drums, cymbals, and triangles; and also with altos, trombones, and bassos of helicon shape. This property will be accounted for by the quartermaster of the regiment. When any instrument has become unserviceable it will be submitted to a board of survey. A copy of the proceedings of the board will be forwarded to the Quartermaster General, with a view to having the instrument repaired, if practicable, or otherwise disposed of.

GENERAL ORDERS, No. 96.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, May 19, 1899.

By direction of the Secretary of War, the following is published to the Army for the information and guidance of all concerned:

1. An enlisted man traveling on duty under orders on a vessel of the U. S. transport service will not be allowed commutation of rations for the time he is aboard. He will be quartered with the enlisted men aboard and will mess with them, and the proper transport officer will indorse upon the travel order in the possession of the soldier the dates between which subsistence was so furnished. The travel order so indorsed will be turned over

by the enlisted man at the end of the journey to the commissary by whom commutation of rations for any portion of the journey is paid, who will file it with the voucher on which payment is made. If commutation of rations is ordered paid in advance the probable time on shipboard must be taken into account in determining the number of days' commutation to be allowed, and the paying officer will indorse the original order and make payment on a certified copy thereof in the manner directed in Army Regulations 1275 for paying commutation of rations in advance.

2. An enlisted man granted a furlough with permission to travel on a vessel of the U. S. transport service will be quartered with the enlisted men aboard and will mess with them. The transport officer will certify upon the enlisted man's furlough the dates between which subsistence was so furnished. In paying commutations of rations on the furlough these days will be deducted.

3. The medical officer on a vessel or the U. S. transport service will purchase from the proper transport officer on such vessel, paying for the same from the appropriation "Subsistence of the Army," such articles of subsistence stores as he shall certify are actually needed for the special diet of the sick on board. These stores will be accounted for by the medical officer in the same way as are other articles of diet procured by him for the sick.

4. An enlisted man a resident of the United States serving in the islands of Cuba, Porto Rico, Hawaii, or the Philippines, who, on being honorably discharged the service in those islands by reason of expiration of enlistment, is desirous of returning to the United States, will be allowed by the Pay Department the usual travel allowances for the land travel involved, and free transportation and subsistence by the U. S. transport service, the same as prescribed for discharged soldiers in General Orders, No. 54, March 22, 1899, from this office. No traveling allowances will be made to enlisted men in those islands who are honorably discharged to enable them to accept promotion.

5. An enlisted man a resident of the United States serving in the islands mentioned in paragraph 4 hereof, who is discharged the service in those islands by transfer to another branch of the service; or on his own application, whether by way of favor or by purchase: or because of confinement by the civil authorities; or by way of punishment for an offense or for disability caused by his own misconduct; or on account of fraudulent enlistment, is, by the operation of section 1290, Revised Statutes, and the act of March 16, 1896, (29 Stat. L., 63), prevented from being allowed the usual traveling allowances to the place of his enlistment, enrollment, or original muster into the service, but he will be brought by the Government to the United States on a transport free of charge. (*A. R., 113, 1275, 1385, 1386.*)

GENERAL ORDERS, No. 98.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, May 26, 1899.

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II. By direction of the Secretary of War, the following decision of the Secretary of the Treasury, amending his decision of May 4, 1898, published

in paragraph 2, General Orders, No. 36, May 7, 1898, from this office, is published to the Army for the information and guidance of all concerned:

TREASURY DEPARTMENT, *May 17, 1899.*

Respectfully returned to the honorable Secretary of War.

The provisions of the order of this Department of May 4, 1898, relaxing the requirements as to rendition of accounts of disbursing officers of the War Department for expenses pertaining to the military establishment are hereby extended to the close of the current year of 1899.

L. J. GAGE, *Secretary.*

(*A. R., 627.*)

III. By direction of the Assistant Secretary of War, the following is published to the Army for the information and guidance of all concerned:

Furloughs granted to enlisted men of the Army serving at stations beyond the limits of the United States for the purpose of returning to this country will be regarded as taking effect, respectively, on the dates they reach the United States, and as terminating on the respective dates of their departure therefrom in returning to their commands. The dates of arrival in and departure from the United States will, in every case, be reported to the Adjutant-General of the Army. (*A. R., 106, 107, Art. XVII, A. R.*)

GENERAL ORDERS, No. 106.

HEADQUARTERS OF THE ARMY, ADJUTANT-GENERAL'S OFFICE, *Washington, June 12, 1899.*

I. By direction of the Acting Secretary of War, paragraphs 9 and 91 of the Regulations are amended and paragraph 1109 (General Orders, No. 40, June 24, 1897, and General Orders, No. 90, May 5, 1899, from this office) is futher amended to read as follows:

9. The following are the grades of rank of officers and noncommissioned officers:

1. Major-general.
2. Brigadier-general.
3. Colonel.
4. Lieutenant-colonel.
5. Major.
6. Captain.
7. First lieutenant.
8. Second lieutenant.
9. Cadet.
10. Sergeant-major (regimental).
11. Quartermaster-sergeant (regimental).
12. Ordnance-sergeant, commissary-sergeant, post quartermaster-sergeant, electrician-sergeant, hospital steward, first-class sergeant of the Signal Corps, chief musician, principal musician, chief trumpeter, and saddler sergeant.
13. First sergeant.
14. Sergeant and acting hospital steward.
15. Corporal.

In each grade, date of commission, appointment, or warrant determines the order of precedence.

91. The post noncommissioned staff consists of ordnance, commissary, post quartermaster, and electrician sergeants. They are appointed by the Secretary of War, after due examination, from sergeants in the line of the Army; ordnance-sergeants from those who have served at least eight years in the Army, including four years as noncommissioned officers, and who are less than 45 years of age; commissary-sergeants from those who have served five years in the Army; including three years as noncommissioned officers; post quartermaster-sergeants from those who have served four years in the Army; electrician-sergeant, as a rule, from those who have served three years in the Army and about one-third of that time as non-

commissioned officers, exceptions being made only in cases of particularly well-equipped applicants from civil life.

1109. The following persons are entitled, at public expense, to a double berth in a sleeping car, or the customary stateroom accommodations on steamers where extra charge is made for the same: Officers of the Army traveling on duty with troops; army nurses, civilian clerks and agents in the military service, when traveling under orders on public business; sergeant-majors, ordnance, commissary, quartermaster, and electrician sergeants (post or regimental), hospital stewards, chief musicians, principal musicians, chief trumpeters, saddler sergeants, and sergeants of the Signal Corps, when traveling under orders on public business without troops; also invalid soldiers, when so traveling on the certificate of a medical officer showing the necessity therefor.

When the number of officers traveling with troops is too small to justify the hire by the Quartermaster's Department of a standard sleeping car for their accommodation, they shall be furnished with such part of a tourist sleeping car, or other suitable sleeping car, properly curtained off for their accommodation, as the Quartermaster's Department may provide for their use during the journey.

II. By direction of the Acting Secretary of War, the following rules and regulations for the appointment of electrician sergeants authorized by the act of Congress approved March 2, 1899 (General Orders, No. 36, Adjutant-General's Office, 1899), are published to the Army for the information and guidance of all concerned:

The men selected for this duty must not only have the requisite technical ability, but should, as a rule, be trained soldiers of good habits and have some knowledge of property responsibility. Appplications of enlisted men will be forwarded through military channels, and, as far as practicable after appointment, they will be assigned to posts where serving. They will be examined in accordance with paragraphs 94, 95, and 96 of the Regulations, at one of the principal seacoast artillery stations where electrical and power plants and apparatus are available, by a board of artillery officers, one member, at least, of which should have practical knowledge of electricity, electrical instruments, machinery, and power plants. The examination will be *practical* in character, and will include in its scope the operation of oil and steam engines, dynamos, and motors, the general subject of electrical wiring, the use of electrical instruments and apparatus, and such other instruments and appliances as are ordinarily found at an artillery post when properly equipped for fire control. The examination may be either oral or written, but will be sufficiently thorough to determine the *practical qualifications* of the applicant for the duties of the post. The proceedings will be sent through military channels to the Adjutant-General of the Army for the action of the Secretary of War, by whom the appointments will be made. Before assignments to posts electrician sergeants will, when practicable, be sent to Fort Monroe, Virginia, or some other well-equipped artillery post, for temporary duty and instruction. Changes in station of electrician sergeants will be made, upon recommendation of the post commander, by the Adjutant-General. (*A. R.*, *91.*)

in paragraph 2, General Orders, No. 36, May 7, 1898, from this office, is published to the Army for the information and guidance of all concerned:

TREASURY DEPARTMENT, *May 17, 1899.*

Respectfully returned to the honorable Secretary of War.

The provisions of the order of this Department of May 4, 1898, relaxing the requirements as to rendition of accounts of disbursing officers of the War Department for expenses pertaining to the military establishment are hereby extended to the close of the current year of 1899.

L. J. GAGE, *Secretary.*

(*A. R., 627.*)

III. By direction of the Assistant Secretary of War, the following is published to the Army for the information and guidance of all concerned:

Furloughs granted to enlisted men of the Army serving at stations beyond the limits of the United States for the purpose of returning to this country will be regarded as taking effect, respectively, on the dates they reach the United States, and as terminating on the respective dates of their departure therefrom in returning to their commands. The dates of arrival in and departure from the United States will, in every case, be reported to the Adjutant-General of the Army. (*A. R., 106, 107, Art. XVII, A. R.*)

GENERAL ORDERS, No. 106.

HEADQUARTERS OF THE ARMY, ADJUTANT-GENERAL'S OFFICE, *Washington, June 12, 1899.*

I. By direction of the Acting Secretary of War, paragraphs 9 and 91 of the Regulations are amended and paragraph 1109 (General Orders, No. 40, June 24, 1897, and General Orders, No. 90, May 5, 1899, from this office) is futher amended to read as follows:

9. The following are the grades of rank of officers and noncommissioned officers:

1. Major-general.
2. Brigadier-general.
3. Colonel.
4. Lieutenant-colonel.
5. Major.
6. Captain.
7. First lieutenant.
8. Second lieutenant.
9. Cadet.
10. Sergeant-major (regimental).
11. Quartermaster-sergeant (regimental).
12. Ordnance-sergeant, commissary-sergeant, post quartermaster-sergeant, electrician-sergeant, hospital steward, first-class sergeant of the Signal Corps, chief musician, principal musician, chief trumpeter, and saddler sergeant.
13. First sergeant.
14. Sergeant and acting hospital steward.
15. Corporal.

In each grade, date of commission, appointment, or warrant determines the order of precedence.

91. The post noncommissioned staff consists of ordnance, commissary, post quartermaster, and electrician sergeants. They are appointed by the Secretary of War, after due examination, from sergeants in the line of the Army; ordnance-sergeants from those who have served at least eight years in the Army, including four years as noncommissioned officers, and who are less than 45 years of age; commissary-sergeants from those who have served five years in the Army; including three years as noncommissioned officers; post quartermaster-sergeants from those who have served four years in the Army; electrician-sergeant, as a rule, from those who have served three years in the Army and about one-third of that time as non-

commissioned officers, exceptions being made only in cases of particularly well-equipped applicants from civil life.

1109. The following persons are entitled, at public expense, to a double berth in a sleeping car, or the customary stateroom accommodations on steamers where extra charge is made for the same: Officers of the Army traveling on duty with troops; army nurses, civilian clerks and agents in the military service, when traveling under orders on public business; sergeant-majors, ordnance, commissary, quartermaster, and electrician sergeants (post or regimental), hospital stewards, chief musicians, principal musicians, chief trumpeters, saddler sergeants, and sergeants of the Signal Corps, when traveling under orders on public business without troops; also invalid soldiers, when so traveling on the certificate of a medical officer showing the necessity therefor.

When the number of officers traveling with troops is too small to justify the hire by the Quartermaster's Department of a standard sleeping car for their accommodation, they shall be furnished with such part of a tourist sleeping car, or other suitable sleeping car, properly curtained off for their accommodation, as the Quartermaster's Department may provide for their use during the journey.

II. By direction of the Acting Secretary of War, the following rules and regulations for the appointment of electrician sergeants authorized by the act of Congress approved March 2, 1899 (General Orders, No. 36, Adjutant-General's Office, 1899), are published to the Army for the information and guidance of all concerned:

The men selected for this duty must not only have the requisite technical ability, but should, as a rule, be trained soldiers of good habits and have some knowledge of property responsibility. Appplications of enlisted men will be forwarded through military channels, and, as far as practicable after appointment, they will be assigned to posts where serving. They will be examined in accordance with paragraphs 94, 95, and 96 of the Regulations, at one of the principal seacoast artillery stations where electrical and power plants and apparatus are available, by a board of artillery officers, one member, at least, of which should have practical knowledge of electricity, electrical instruments, machinery, and power plants. The examination will be *practical* in character, and will include in its scope the operation of oil and steam engines, dynamos, and motors, the general subject of electrical wiring, the use of electrical instruments and apparatus, and such other instruments and appliances as are ordinarily found at an artillery post when properly equipped for fire control. The examination may be either oral or written, but will be sufficiently thorough to determine the *practical qualifications* of the applicant for the duties of the post. The proceedings will be sent through military channels to the Adjutant-General of the Army for the action of the Secretary of War, by whom the appointments will be made. Before assignments to posts electrician sergeants will, when practicable, be sent to Fort Monroe, Virginia, or some other well-equipped artillery post, for temporary duty and instruction. Changes in station of electrician sergeants will be made, upon recommendation of the post commander, by the Adjutant-General. (*A. R.*, *91.*)

III. By direction of the Acting Secretary of War, General Orders, No. 114, August 9, 1898, from this office, relating to furloughs and transportation of sick and wounded soldiers to their homes, is revoked. (*A. R., 106 and 1109.*)

GENERAL ORDERS, No. 116.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, June 24, 1899.

I. By direction of the Acting Secretary of War, paragraphs 233 (General Orders, No. 63, April 17, 1899, from this office), 234, 235, 238, 239, 241, and 245 of the Regulations are amended to read as follows:

233. The staff of a regiment consists of the adjutant, the quartermaster, and the commissary, and they will be so designated, respectively. They will be appointed by the regimental commander, who will at once report his action to the Adjutant-General by telegraph; the appointment of the quartermaster and the commissary to be made subject to the approval of the Secretary of War. These appointments will not be antedated and will take effect the day on which actually made. An officer will be entitled to the pay pertaining to his appointment from the date he enters upon duty under it. Squadron and battalion adjutants of cavalry and infantry regiments will be appointed by the regimental commander, upon the recommendation of the squadron and battalion commanders.

234. The adjutant, quartermaster, and commissary may hold office for four years, and the squadron and battalion adjutants for two years, and no longer. They will not be eligible for a second tour of such duty, nor for appointment or reappointment to either position, except to serve an unexpired term of four or two years; but the time an adjutant or quartermaster of a regiment may have previously served as such with the rank of lieutenant, and any period an officer may have served as squadron or battalion adjutant will not be included in computing the four years for which he may hold the office of a regimental staff officer.

235. Staff appointments in a regiment are restricted to officers on duty with the regiment and who are not serving at a school of instruction nor with light batteries. Should the regimental commander desire to appoint an officer absent from the regiment he may make application for orders for such officer to join; but the officer must join before the appointment can be made.

238. The adjutant, quartermaster, and commissary are, under the regimental commander, responsible for the discipline and efficiency of the noncommissioned staff and band.

239. The quartermaster is responsible for all quartermaster's supplies of the regiment, and may be required to perform the duties of quartermaster of the post where he is stationed. The commissary is responsible for all subsistence supplies of the regiment, and may be required to perform the duties of commissary of the post where he is stationed.

241. The regimental commander appoints the noncommissioned staff of the regiment, which consists of the sergeant-major and quartermaster sergeant; also for each cavalry and infantry regiment the commissary-sergeant and three squadron or battalion sergeant-majors, the latter upon the recommendation of the squadron or battalion commanders; each non-

commissioned officer will be furnished with a warrant (his personal property), signed by the regimental commander and countersigned by the adjutant. The appointment takes effect the day upon which it is made, and the warrant may be continued in force upon discharge and reenlistment, if reenlistment be made on the day following discharge; every such reenlistment to be noted on the warrant by the regimental commander. Regimental noncommissioned staff officers may be reduced to the ranks by the sentence of a court-martial or by the order of the regimental commander.

245. Each regimental band will consist of one chief musician, one chief trumpeter, one principal musician, one drum major, four sergeants, eight corporals, one cook, and eleven privates, except that each infantry band will have twelve privates and no chief trumpeter. The noncommissioned officers of the band will be appointed by the regimental commander upon the recommendation of the regimental adjutant, under the same conditions provided for the noncommissioned staff of the regiment.

II. By direction of the Acting Secretary of War, paragraph 246 of the Regulations is revoked.

GENERAL ORDERS, No. 118.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, June 24, 1899.

I. By direction of the Acting Secretary of War the following paragraph is added to the Army Regulations:

1020a. Civilians employed expressly for their services with the Army, such as tailors, shoemakers, and laundrymen, may be allowed to purchase from the Quartermaster's Department, at remote posts where supplies are difficult to procure, in limited quantities for their own use, for cash at cost prices, such articles as can be spared from the supplies on hand.

II. By direction of the Acting Secretary of War, paragraph 1284 of the Regulations (General Orders, No. 106, July 23, 1898, from this office) is amended to read as follows:

1284. Civilians employed with the Army at rates of pay of sixty dollars or more per month, and civilians such as tailors, shoemakers, and laundrymen, expressly employed for their services with the Army, may be allowed at remote places or in the field where food can not otherwise be procured, to purchase from the Subsistence Department, in limited quantities for their own use, for cash at cost prices, such articles of the ration or of stores kept for sales to officers and enlisted men as can be spared from the supplies on hand.

GENERAL ORDERS, No. 125.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, July 8, 1899.

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II. By direction of the Secretary of War, the following is published to the Army for the information and guidance of all concerned:

Medical officers in charge of general hospitals, hospital ships, and trans-

ports carrying patients, will be allowed from the appropriation "Subsistence of the Army" for the diet of enlisted men while undergoing hospital treatment under their charge at the rate of not exceeding 40 cents per man per day for the period each is undergoing treatment. This allowance can not be drawn for any patient for whom the medical officer has drawn a ration.

Medical officers will call upon the subsistence officer from whom rations are drawn for their hospital for such articles of diet as in their discretion may be required for patients too sick to use the ration, being careful on their calls not to exceed the allowance of 40 cents per day per man. All purchases to be made by officers of the Subsistence Department.

Savings will be allowed as heretofore on the rations drawn for members of the Hospital Corps and patients who do not require the special diet. Rations can not be drawn for patients for whom the medical officer has made requisition for articles of a special diet.

There will be rendered monthly, by medical officers concerned, to the subsistence officers who make the issues and purchases, tabular statements (Form No. 69, Subsistence Department) showing the number of patients present during the month who are too sick to use the ration.

The paying officer will enter on his abstract of disbursements in one group all payments, designating them thereon in the column, "On what Account as Hospital Supplies." (*A. R., 566, 569, 1258, 1259, 1269, 1270, 1433, 1483.*)

GENERAL ORDERS, No. 136.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, July 24, 1899.

By direction of the Secretary of War, paragraph 1203 of the Regulations, as amended by General Orders, No. 52, March 20, 1899, from this office, is further amended to read as follows:

1203. The allowance of corn brooms and scrubbing brushes will be as follows:

Six brooms and four brushes per month to each troop, battery, or company.

Two brooms and one brush per month to each regimental band.

Three brooms and two brushes per annum for each noncommissioned staff officer, including those of regiments, squadrons, and battalions.

Six brushes per annum to each post bakery.

They will habitually be drawn quarterly, but may be drawn when needed. If less than the maximum allowance is drawn in one quarter, credit can not be given in another.

GENERAL ORDERS, No. 137.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, July 26, 1899.

By direction of the Secretary of War, paragraph 2, General Orders, No. 125, July 8, 1899, from this office, is amended to read as follows, and is published to the Army for the information and guidance of all concerned:

Medical officers in charge of general, post, and camp hospitals, hospital ships, and transports carrying patients, will be allowed from the appropria-

tion "Subsistence of the Army" for the diet of enlisted men while undergoing hospital treatment under their charge at the rate of not exceeding 40 cents per man per day for the period each is undergoing treatment. This allowance can not be drawn for any patient for whom the medical officer has drawn a ration.

Medical officers will call upon the subsistence officer from whom rations are drawn for their hospital for such articles of diet as in their discretion may be required for patients too sick to use the ration, being careful on their calls not to exceed the allowance of 40 cents per day per man; all purchases to be made by officers of the Subsistence Department.

Savings will be allowed as heretofore on the rations drawn for members of the Hospital Corps and patients who do not require the special diet. Rations can not be drawn for patients for whom the medical officer has made requisition for articles of a special diet.

There will be rendered monthly, by medical officers concerned, to the subsistence officers who make the issues and purchases, tabular statements (Form No. 69, Subsistence Department) showing the number of patients present during the month who are too sick to use the ration.

The paying officer will enter on his abstract of disbursements in the column "ON WHAT ACCOUNT" all payments, in one group, as HOSPITAL SUPPLIES. (*A. R., 566, 569, 1258, 1259, 1269, 1270, 1433, 1483.*)

GENERAL ORDERS, No. 138.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, July 27, 1899.

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II. By direction of the Acting Secretary of War, the following paragraph is added to the Army Regulations:

152a. When a soldier is sentenced by court-martial to confinement without dishonorable discharge for a period extending beyond the expiration of his term of enlistment, he will be discharged without honor on the date of the expiration of the term of enlistment, but will be held to serve out his sentence, the certificate of discharge being delivered to him on his release from confinement. When, however, a soldier's term of enlistment expires while he is waiting trial or sentence, he will be discharged (honorably, without honor, or dishonorably, according to the circumstances) on the date of the receipt of an order publishing the case or otherwise disposing of it, and the discharge will be dated accordingly.

GENERAL ORDERS, No. 139.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, August 3, 1899.

By direction of the Secretary of War, paragraph 1284 of the Regulations (General Orders, No. 106, July 23, 1898, and General Orders, No. 118, June 24, 1899, from this office) is further amended to read as follows:

1284. Civilians employed with the Army, including those expressly employed for their services as tailors, shoemakers, and laundrymen, may be allowed, at remote places or in the field where food can not otherwise

be procured, to purchase from the Subsistence Department, in limited quantities for their own use, for cash, at cost prices with 10 per cent added, such articles of the ration or of stores kept for sale to officers and enlisted men as can be spared from the supplies on hand.

GENERAL ORDERS, No. 141.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, August 4, 1899.

I. By direction of the Secretary of War, General Orders, No. 185, December 16, 1898, from this office, is amended to read as follows:

By direction of the Secretary of War, all volunteer officers serving with their regiments or companies in the United States shall be paid on the rolls thereof; the regimental and battalion field and staff, noncommissioned staff and band on one roll, known as the field, staff, and band roll, and company officers on the rolls of their respective companies. Volunteer officers paid on field, staff, and band, or company rolls will each enter upon the rolls at time of payment the sum of all credit sales of subsistence stores made to him and not paid for at date of the roll, which sum will be collected by the paymaster and transferred in the manner directed by A. R. 1290.

When officers of volunteers, serving beyond the limits of the United States, desire to assign their pay to other parties within the limits of the United States, they may make such assignments by months.

For such months as they wish to assign they may be paid on Form 3, Paymaster-General's Office, reporting to the Paymaster-General the months of the fiscal year so assigned. They will also make out the assigned accounts and forward them to the Paymaster-General, indorsed as follows:

"When due, paymaster will please pay this account to ———.
(Signed) "——— ———."

Or—

"When due, paymaster will please place this amount to the credit of ———.
(Signed) "——— ———."

The officer assigning his accounts in accordance with the above shall also notify his company or regimental commander, as the case may be, of such assignment, and for each of these months the following remark shall be entered on the muster and pay roll in the column of Remarks opposite his name: "Paid on Form 3, P. M. G. O., Assigned."

General officers and their staffs and officers detached from their commands shall be paid on the usual individual (officer's) voucher. Officers so paid will make the notation on the pay account required by A. R. 1288.

II. By direction of the Secretary of War, transportation of persons and materials required for the service of the civil government in Cuba and Porto Rico shall be by commercial lines, and transportation furnished on army transport ships shall be limited to persons and supplies required for service in the military establishment, except such as are authorized by the Secretary of War. (*A. R., 1080, 1298, 1299, 1300.*)

GENERAL ORDERS, No. 146.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, August 9, 1899.

By direction of the Acting Secretary of War, paragraph 1301 of the Regulations (General Orders, No. 65, June 7, 1898; General Orders, No. 119, August 11, 1898; General Orders, No. 34, March 2, 1899; General Orders, No. 53, March 21, 1899, and General Orders, No. 88, May 4, 1899, from this office) is amended to read as follows:

1301. The following officers, in addition to those whose pay is fixed by law, are entitled to pay as mounted officers: Officers of the staff corps below the rank of major, officers serving with troops of cavalry, officers of a light or siege battery duly organized and equipped, authorized aids duly appointed, officers serving as military attachés to the embassies and legations of the United States at foreign capitals, officers serving with companies of mounted infantry, and officers on duty which requires them to be mounted and which is so certified to by the Secretary of War or the department or corps commander on their first pay vouchers while on such duty—the certificate being cited by the officers on their subsequent vouchers. Officers ceasing to draw mounted pay will file with the last pay voucher a copy of the order relieving them from duty which required them to be mounted. Acting judge-advocates of military departments, duly detailed, are entitled while so serving to the rank, pay, and allowances of captains of cavalry.

GENERAL ORDERS, No. 149.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, August 17, 1899.

By direction of the Secretary of War, under section 16 of the act of Congress entitled "An act for increasing the efficiency of the Army of the United States and for other purposes," approved March 2, 1899, the following system of rules under which enlisted men of the Army may make allotments of their pay is published for the information and guidance of all concerned:

1. Every soldier in the Army of the United States, absent on distant duty, shall be allowed to allot such portion of his pay as he may desire for the support of his family or relatives, for his own savings, or for any other purpose.

2. As soon as possible after the receipt of an order for distant duty the commanding officers of troops, batteries, companies, bands, noncommissioned staff, signal and hospital corps, or any other detachments affected by this order, shall report to the Paymaster-General, United States Army, on prescribed blanks, the names of all men of their organizations who desire to make allotments, and thereafter, on the last day of each month, said commanding officers shall report on prescribed blanks to the Paymaster-General, United States Army, the names of all men of their organizations who, during the month, begin an allotment period. These reports shall be forwarded by registered mail, and on their receipt the Paymaster-General shall make acknowledgment to the respective commanding officers, stating the names of grantors and the amounts and periods of the allotments.

3. All allotments shall be executed in duplicate and witnessed by the

respective commanding officers specified in paragraph 2; one copy to be retained by said commanding officers and the other to be forwarded immediately to the Paymaster-General, United States Army. An allotment shall be made payable on the last day of each month and for a stated period.

4. The death, discharge, or desertion of a soldier who has an allotment running will be cause for stopping the same. In case of forfeiture by sentence of a court-martial the allotment, or so much thereof as is required to meet said forfeiture, shall be suspended during the period of the sentence, and the commanding officers specified in paragraph 2 shall report in the most expeditious manner to the department or corps commander the names of grantors whose allotments thus cease or are suspended, and the department or corps commander shall promptly telegraph this notification to the Paymaster-General.

5. On the last day of each month the commanding officers specified in paragraph 2 shall submit to the Paymaster-General, on prescribed blanks, a report of allotments, if any, to be discontinued in the month next succeeding, and such allotments as are to be discontinued by the act of the grantor or by reason of paragraph 10 shall be payable for one month after the date of such report. Upon the receipt of this report the Paymaster-General shall at once acknowledge same to the said commanding officers.

6. Payment to allottees shall be made by one or more paymasters, to be designated by the Paymaster-General, United States Army.

7. In case of the capture of soldiers who have made allotments which may expire after their capture, the monthly payments of the same shall be continued until otherwise ordered by the Secretary of War.

8. In case of the transfer of a soldier whose period of allotments still continues, all the data respecting said allotments shall be entered on his descriptive list, and the commanding officer of the troop, battery, or company from which he is transferred shall at once report such transfer to the Paymaster-General, United States Army.

9. The date, period, and amount of allotment shall be entered as a part of the soldier's record in the descriptive book, and also noted on each muster roll during the period of allotment. The discontinuance or suspension of an allotment shall be similarly entered and noted.

10. When the grantor of an allotment is soon entitled to discharge and is so much in debt to the United States that it will require the whole or a part of his allotted pay to cancel his obligation, this allotment shall be terminated in the prescribed manner.

11. Upon receiving information of the death of any person to whom an allotment is payable by him, the paymaster properly designated to pay this allotment shall at once report this fact to the Paymaster-General, United States Army, who shall forthwith inform the grantor's immediate commanding officer.

12. When an allotment is discontinued, at the request of the person making it, before the expiration of the term for which it is granted, it shall not be renewed within that term except by permission of the regimental or post commander, on satisfactory reasons being given for such discontinuance and renewal. (*A. R.*, *113*, *114*, *1182*, *1348*.)

GENERAL ORDERS, No. 158.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, August 21, 1899.

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III. Commanders of depot battalions will, upon recommendation of their company commanders, appoint the noncommissioned officers of their battalions, and paragraph 260 of the Regulations is amended accordingly. (*A. R., 260.*)

GENERAL ORDERS, No. 157.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, August 25, 1899.

By direction of the Secretary of War, paragraph 1069 of the Regulations, as amended by General Orders, No. 38, June 15, 1897, from this office, is further amended to read as follows:

1069. The Quartermaster's Department will transport for officers changing station the number of horses for which they are legally entitled to forage, and an attendant to accompany the horses when necessary, subject to the following restrictions:

1. That the expense paid by the United States shall not exceed $100 for each horse transported. The cost of such shipment will be ascertained in advance, and if found to exceed $100 for each horse, including transportation of attendant, if any, the excess must be prepaid by the owner, who must also pay all the expenses of the attendant other than his transportation.

2. That the horses are owned by the officer and were used by him in the public service at the station from which he is ordered to move, and are intended to be so used by him at his new station.

3. The horses of retired officers or officers ordered to their homes to await retirement, or officers ordered on recruiting service or college detail, or to effect a voluntary transfer, or to attend schools of instruction as student officers, except when ordered to duty as students at the United States Infantry and Cavalry School, Fort Leavenworth, Kans., will not be transported at public expense.

GENERAL ORDERS, No. 160.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, August 31, 1899.

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II. By direction of the Secretary of War, paragraph 124 of the Regulations is amended to read as follows:

124. A reward of $30 will be paid to any civil officer having authority for the apprehension and delivery to the proper military authorities at a military station (or at some convenient point as near thereto as may be agreed upon) of any deserter from the military service, except such as can claim exemption from trial under the statute of limitations, and such officer will also be reimbursed for actual cost of tickets over the shortest usually traveled route for himself to and from such station or point and for the deserter to such station or point not to exceed $20. The reward and actual cost of tickets will be paid by the Quartermaster's Department, and will be

in full satisfaction of all expenses for arresting, keeping, and delivering the deserter. The payment will be reported to the commander of the company or detachment to which the deserter belongs.

III. By direction of the Secretary of War, the reward authorized to be paid for the apprehension of deserters, by paragraph 124 of the Regulations, as amended by Paragraph II of this order, will *not* be paid for the apprehension and delivery of deserters from *volunteer organizations* mustered out of service.

GENERAL ORDERS, No. 164.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, September 5, 1899.

By direction of the Secretary of War, no written or pictorial description of tests by this Government of arms or munitions of war will be made for publication without the authority of the Secretary of War, nor will any information, written or verbal, concerning them which is not contained in the printed reports and documents of the War Department be given to any unauthorized person.

Except by special authority of the Secretary of War, no persons other than officers of the Army and Navy of the United States and members of Congress in their official capacity, and persons in the service of the United States employed in direct connection with such tests, will be allowed to witness the same. (*A. R., 334.*)

GENERAL ORDERS, No. 171.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, September 26, 1899.

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II. By direction of the Secretary of War, all officers whose duty it is to report to the Paymaster-General deposits by soldiers of their command will include in each report only the deposits with a single paymaster on a given date.

Different months or different paymasters should not appear on the same report, as it is impossible to file one report with several paymasters' abstracts of deposits. (*A. R., 1371 and 1374.*)

GENERAL ORDERS, No. 173.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, September 30, 1899.

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II. By direction of the Secretary of War, sales of subsistence stores to civilians are hereby restricted to those contemplated by paragraph 1284 of the Regulations, as amended by General Orders, No. 139, August 3, 1899, and by Circular No. 33, July 8, 1899, from this office. Subparagraph 1 of paragraph 1 of Circular No. 49, November 16, 1898, from this office, is revoked.

GENERAL ORDERS, No. 176.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, October 7, 1899.

By direction of the Acting Secretary of War, paragraphs 1208 (as amended by General Orders, No. 17, April 22, 1896, from this office) and 1212 of the Regulations, are amended to read as follows:

1208. Accounts for telegrams on military business prepared on the prescribed form in the name of the telegraph company rendering the service and accompanied by the original telegrams, in the case of telegrams *sent* checked "paid," and in the case of telegrams *received* checked "collect," by the impression copies thereof, will be paid by the Quartermaster's Department, with the following exceptions:

1. Accounts for reimbursement of amounts paid by officers for telegraphic service, which will be prepared upon prescribed forms.

2. Accounts for telegrams on public business of a confidential nature when in the opinion of the officer receiving or sending them it is improper that copies should accompany the accounts, or where copies can not be procured. When it is questionable whether the telegrams are on official business or that the telegraph should have been used, such accounts will be accompanied by full explanations from the officer who sends or receives the telegrams.

The accounts excepted in this paragraph will be forwarded to the Quartermaster-General for settlement.

In settling accounts for telegrams which pass over the lines of more than one company (bond aided excepted), payment may be made on the original telegram, to the initial company, for the entire service.

1212. Except in cases of loss or destruction of original messages, where satisfactory evidence is submitted showing that payment has not already been made and no charge will hereafter be made, no settlement will be made with the telegraph office from which a telegram is sent unless the original telegram is marked or checked "paid," and no settlement will be made with the telegraph office at which a telegram is received unless the telegram received is marked or checked "collect."

GENERAL ORDERS, No. 179.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, October 13, 1899.

By direction of the Secretary of War, General Orders, No. 164, September 5, 1899, from this office, is amended so far as to permit, until further orders, inventors and manufacturers, or their properly accredited representatives, to be present at tests of and experiments with their own inventions.

Commanding officers of ordnance establishments and other military posts are authorized to pass into them such persons when they present the necessary credentials, but only for the purpose stated. Access to parts of commands not involved in the tests and experiments and to any war material, or to any means of obtaining knowledge of the same, is prohibited. (*A. R., 334.*)

GENERAL ORDERS, No. 181.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, October 19, 1899.

By direction of the Secretary of War, paragraph 607 of the Regulations is amended to read as follows:

607. Mutilated or spoiled official checks upon the U. S. Treasurer or assistant treasurer will be forwarded promptly to the depository to which they pertain, but mutilated or spoiled checks upon a national-bank depository will be forwarded promptly for preservation and future reference to the chief of bureau by whom issued, who will acknowledge the receipt of such checks. In either case a record of the dates of both cancellation and transmission will be entered on the stub.

GENERAL ORDERS, No. 182.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, October 20, 1899.

By direction of the Secretary of War, General Orders, No. 137, July 26, 1899, from this office, amending paragraph 2, General Orders, No. 125, July 8, 1899, from this office, is amended to read as follows, and is published to the Army for the information and guidance of all concerned:

1. The medical officer in charge of a general, post, or camp hospital, hospital ship, or transport carrying patients is authorized to purchase, under the laws and regulations relating to purchases of subsistence stores, such articles of food, both solid and liquid, not carried in stock by the subsistence officer who issues rations to the hospital, and to call upon such subsistence officer for the issue of such quantities of articles from the stock already on hand, as in the judgment of the medical officer are required for the diet of enlisted patients under his charge who are too sick to be subsisted on the ration as ordinarily issued; the total combined money value of the stores hereby authorized to be purchased and issued as above in any month not to exceed the rate, calculated on the month's transactions, of 40 cents per man per day for those actually requiring special diet. Subsistence officers are authorized to pay all duly certified bills of purchases made by medical officers under the provisions of this order, or to make the purchases themselves at the request of the medical officers and to make issues for special diet hereunder from stores on hand at their request, provided the rate of 40 cents per man per day for those enlisted men actually requiring special diet is not exceeded in any month.

2. When a ration has been drawn by the hospital for an enlisted patient for a ration period and it becomes necessary during that period to put him upon special diet, due deductions will be made by the surgeon in charge on the next ration return of the hospital for the rations unused by him; and reciprocally, when a patient on special diet has been restored in a ration period to regular diet, the necessary additions will be made on the next ration return of the hospital for the rations used by him. The object of this rule is to prevent the hospital from having the benefit of the rations of enlisted men for the period they may be put upon special diet, and to give the benefit of an issue of rations where men have been restored to regular diet when rations had not been drawn for them.

3. Medical officers having enlisted patients on special diet will make

return of such patients at the end of each month on Form No. 69, Subsistence Department, and send the same to the subsistence officer. After the subsistence officer has entered the vouchers for purchases and the articles issued for special diet, and deduced the rate per man per day which the special diet for the month has cost, the certificates at the foot of the form will be duly executed by the medical officer and the subsistence officer; and the medical officer will file with the subsistence officer Form No. 69, and with it the report required by paragraph 569 of the Regulations, of emergency or open-market purchase of subsistence stores made by him, which will be made out on Form No. 9 or 9½, Subsistence Department, and signed by him. As articles of special diet authorized by this order are immediately expendable by the medical officers, Form No. 69, when duly executed, will be accepted by the Commissary General of Subsistence as the return of the medical officer for the subsistence stores involved. Purchase vouchers certified by medical officers will state that the stores will be accounted for "on Form No. 69, to be filed with the account current of ..... for the month of ....., 189..."

4. The formation of a hospital fund from articles purchased for special diet for enlisted men too sick to use the army ration, or the application of such articles to uses other than those for which intended, is prohibited. Such articles will as far as practicable be procured in quantities sufficient for the needs of specific patients only, and no large accumulations will be made. Nothing in this order will be construed to prevent the maintenance of a hospital fund from savings of the rations of the Hospital Corps and the patients who do not require special diet.

5. The subsistence officer who pays for purchases of articles of special diet under this order will enter in a group on his abstract of disbursements (Form No. 5) all such payments made in the month, and will enter the articles as "Hospital supplies," in the column headed "On what account."

6. The return of enlisted patients and abstract of issues, etc. (Form No. 69), will be filed with the monthly account current of the subsistence officer. The articles issued from stock on hand thereon reported will be properly entered on his return of subsistence stores as "Special diet in hospital." (*A. R., 566, 569, 1258, 1259, 1269, 1270, 1433, 1483.*)

GENERAL ORDERS, No. 183.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, October 23, 1899.

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III. By direction of the Secretary of War, paragraph 1518 of the Regulations is amended to read as follows:

1518. On arrival of recruits at their destination the clothing bags, haversacks, meat cans, tin cups, knives, forks, spoons, and canteens in their possession will be immediately turned over to an officer, to be designated by the commanding officer of the post to which the recruits are sent for assignment, who will receipt to the responsible officer for the property in the hands of such recruits and cause the same to be properly packed and turned over to the Quartermaster's Department for transportation to such arsenal as may be designated by the Chief of Ordnance for repairs and subsequent issue to recruiting stations and recruiting rendezvous.

Should any of these stores be needed for the proper equipment of the organization to which the recruits are sent, the officer designated to receipt for such property will, with the approval of the post commander, transfer them and immediately report to the Chief of Ordnance what articles are so transferred.

In all cases where no officer accompanies the recruits the officer responsible for the property in their hands will forward invoices for the stores to the commanding officer of the post to which the recruits are sent for asignment. In case of any loss or discrepancy the responsibility will be at once investigated.

GENERAL ORDERS, No. 192.

HEADQUARTERS OF THE ARMY, ADJUTANT-GENERAL'S OFFICE, *Washington, November 2, 1899.*

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II. By direction of the Secretary of War, the following is published for the information of all concerned:

In order to avoid delay of action, as far as practicable, in the cases mentioned in the last part of section 3, paragraph 140, of the Regulations, department commanders, after thorough investigation, may by telegraph submit to the Adjutant-General of the Army, for the action of the Secretary of War, the cases of soldiers recommended for discharge on account of disease contracted before enlistment or by their own misconduct or bad habits.

In such cases the fourth indorsement on the certificate of disability will be amended by inserting after the words "Approved and discharge ordered" the words "By direction of the Secretary of War." (*A. R., 140.*)

GENERAL ORDERS, No. 193.

HEADQUARTERS OF THE ARMY, ADJUTANT-GENERAL'S OFFICE, *Washington, November 2, 1899.*

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II. By direction of the Secretary of War, paragraph 289 of the Regulations is amended to read as follows:

289. *The junior member of each council will record in an appropriate book its proceedings, to include a written certificate of the responsible officer that the funds are on deposit in a reputable banking institution named in the certificate, or a statement that they have been exhibited to the council, which proceedings will be signed by the president and recorder. The post or other commander will require the proceedings to be kept as this regulation prescribes and will decide disagreements in those of company councils.* Those of the post, exchange, and mess councils will be submitted to the post *or other* commander, who will sign his approval or objection in the council book. Should the post *or other* commander disapprove the proceedings, and the council, after reconsideration, adhere to its conclusions, a copy of the proceedings will be sent by the commanding officer to the department commander, whose decision thereon upon all questions not involving pecuniary responsibility will be final. Upon such questions appeal may be taken to the Secretary of War. The final orders in each case will be entered in the council book.

GENERAL ORDERS, No. 196.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, November 16, 1899.

By direction of the Secretary of War, all officers of the Army will be paid within the limits of their departments and, as far as practicable, by the same paymaster, unless they be on leave of absence or on detached duty beyond the limits of their departments, or shall have transferred or assigned their accounts as provided for in General Orders, No. 141, August 4, 1899, from this office, or have the authority of the Paymaster-General for payment elsewhere. Officers on leave of absence will in all cases present their leave orders to the paymaster to whom application for payment is made, who will indorse thereon, over his signature, the amount paid and the period paid for. Retired officers, as a rule, will be paid in the departments in which they reside, unless they shall elect to be paid elsewhere, when they will notify the Paymaster-General. (*A. R., 1299, 1300, 1316.*)

GENERAL ORDERS, No. 197.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, November 20, 1899.

By direction of the Secretary of War, the following order of the President, amending section 12 of Executive order of August 25, 1892, as promulgated in General Orders, No. 60, September 3, 1892, from this office, is published to the Army for the information and guidance of all concerned:

EXECUTIVE MANSION, *Washington, November 17, 1899.*

In accordance with the law that prescribes that the Army and Navy General Hospital at Hot Springs, Arkansas, "shall be subject to such rules, regulations, and restrictions as shall be provided by the President of the United States," the following amendment of the rules and regulations provided for its government in Executive order of August 25, 1892, is authorized, to date from July 1, 1899:

Enlisted men on the active list while under treatment or on duty in the hospital shall have the usual allowance of rations commuted at the rate of not to exceed forty cents a day for enlisted men of the Army, and thirty cents a day for enlisted men of the Navy, to be paid to the senior medical officer by the proper officers of the War and Navy Departments upon the receipt of monthly statements of amounts duly certified by the Surgeon-General of the Army.

WILLIAM MCKINLEY.

(*A. R., 1272.*)

GENERAL ORDERS, No. 203.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, December 8, 1899.

I. By direction of the Secretary of War, paragraph II, General Orders, No. 9, January 16, 1899, Headquarters of the Army, Adjutant-General's Office, is amended to read as follows:

II. By direction of the Secretary of War, the War Department Telegraphic Code prepared by the Chief Signal Officer of the Army will be used for official telegraphic code messages of the Army on and after January 15, 1900. This code will be supplemented when necessary by the Western Union Telegraphic Code now in use. The Chief Signal Officer of the Army will furnish on requisition such copies of these codes as are needed for official purposes. Such special military vocabularies and instructions

as may from time to time be added to the War Department Telegraphic Code by the Chief Signal Officer of the Army must be closely followed.

II. By direction of the Secretary of War, the "Telegraphic Code to Insure Secrecy in the Transmission of Telegrams" will on and after January 15, 1900, only be used for correspondence in such cases as may be specially authorized by the Secretary of War. Such copies of this Code to Insure Secrecy as are no longer needed will be returned to the Adjutant-General of the Army. (*A. R., 1545.*)

GENERAL ORDERS, No. 210.

HEADQUARTERS OF THE ARMY, ADJUTANT-GENERAL'S OFFICE, *Washington, December 27, 1899.*

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II. By direction of the Secretary of War, such of the articles of war as relate specially to the duties and rights of enlisted men and the penalties for military crimes will be plainly read and, so far as necessary, explained to each recruit *just before administering to him the oath of enlistment.* (*A. R., 832; A. W., 2.*)

GENERAL ORDERS, No 211.

HEADQUARTERS OF THE ARMY, ADJUTANT-GENERAL'S OFFICE, *Washington, December 29, 1899.*

I. By direction of the Secretary of War, the following decision of the Secretary of the Treasury, amending his decisions of May 4, 1898, as promulgated in paragraph II, General Orders, No. 36, May 7, 1898, from this office, and of May 17, 1899, as promulgated in paragraph II, General Orders, No. 98, May 26, 1899, from this office, is published to the Army for the information and guidance of all concerned:

TREASURY DEPARTMENT, *December 26, 1899.*

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The provisions of the orders of this Department of May 4, 1898, and May 17, 1899, relaxing the requirements as to rendition of accounts of disbursing officers of the War Department for expenses pertaining to the military establishment are hereby extended to the close of the calendar year ending December 31, 1900.

L. J. GAGE, *Secretary.*

(*A. R., 627.*)

GENERAL ORDERS, No. 4.

HEADQUARTERS OF THE ARMY, ADJUTANT-GENERAL'S OFFICE, *Washington, January 9, 1900.*

The following circular from the Division of Customs and Insular Affairs, War Department, is published to the Army for the information and guidance of all concerned:

CIRCULAR NO. 35, DIVISION OF CUSTOMS AND INSULAR AFFAIRS.

WAR DEPARTMENT, *Washington, January 4, 1900.*

The following order of the President, relative to quarantine regulations for ports in the Philippine Islands, is hereby published for the information and guidance of all concerned:

"EXECUTIVE MANSION, *Washington, January 3, 1900.*

"To prevent the introduction of epidemic disease, it is ordered that the provisions of the act of Congress approved February 15, 1893, entitled 'An act granting additional quarantine

powers and imposing additional duties upon the Marine-Hospital Service,' and all rules and regulations heretofore or hereafter prescribed by the Secretary of the Treasury under that act are to be given full force and effect in the Philippine Islands, in so far as they are applicable, and the following additional rules and regulations are hereby promulgated:

"The examination in ports of the Philippine Islands of incoming and outgoing vessels and the necessary surveillance over their sanitary condition, as well as of cargo, passengers, crew, and of all personal effects, is vested in and will be conducted by the Marine-Hospital Service, and medical officers of that Service will be detailed by the Secretary of the Treasury as quarantine officers at the ports of Manila and Iloilo immediately, and at other ports in the Philippine Islands as soon as practicable or necessary.

"Quarantine officers shall have authority over incoming vessels, their wharfage and anchorage, in so far as is necessary for the proper enforcement of the quarantine regulations, including vessels of the army transport service and noncombatant vessels of the Navy.

"Collectors of customs at ports of entry will not permit entry without quarantine certificates.

"Any vessel leaving any port in the Philippine Islands for any port in the United States, or its dependencies, shall obtain a bill of health from the quarantine officer, when such officer is on duty; said bill of health to correspond to the consular bill of health now required by Treasury Regulations; and the bill of health shall not be given to an outgoing vessel unless all quarantine regulations have been complied with. At ports where no medical officer is detailed the bills of health will be signed by the collector of customs or other officer to whom such duty has been legally delegated. Special regulations relating to the bills of health to be obtained by vessels of the United States Navy will be promulgated by the Secretary of the Treasury.

"The medical officer detailed under this order as quarantine officer at the port of Manila shall be the chief quarantine officer for the Philippine Islands. It shall be his duty to make appointments and removals from the service in the Philippines (subject to the approval of the Secretary of the Treasury), and shall authorize necessary expenditures, under such regulations as the Secretary of the Treasury may prescribe.

"The regulations for the government of the Marine-Hospital Service shall, so far as practicable, have force and effect in the management of the quarantine service in the Philippine Islands.

"The expenses of the quarantine service will be charged against the revenue of the islands, and a sum not to exceed $300,000 in each fiscal year is hereby set aside from the revenues collected in said islands for this purpose. The expenses shall be paid therefrom upon the certificate of a detailed quarantine officer, and upon the approval of the chief quarantine officer for the Philippine Islands.

"The chief quarantine officer shall render a report on the last day of each month to the Supervising Surgeon-General of the Marine-Hospital Service, who will issue to him necessary instructions.

"The epidemic fund will be reimbursed from the revenues of the islands for the cost of disinfecting appliances and materials ordered to be forwarded to the islands prior to the date of this order.

"WILLIAM MCKINLEY."

This order to be duly proclaimed and enforced at ports in the Philippine Islands.

ELIHU ROOT, *Secretary of War.*

(*See A. R., 487.*)

GENERAL ORDERS, No. 5.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, January 10, 1900.

By direction of the Secretary of War, paragraph 1551 of the Regulations is amended to read as follows:

MISCELLANEOUS.

1551. Officers and enlisted men who, in their own right or by right of inheritance, are members of military societies of men who served in the armies and navies of the United States in the war of the Revolution, the war of 1812, the Mexican war, and the war of the rebellion, or are members

of the Regular Army and Navy Union of the United States, may wear on all occasions of ceremony the distinctive badges adopted by such societies; badges to be worn on the left breast of the coat suspended by a ribbon from a bar of metal passed through their upper ends, and tops of the ribbons forming a horizontal line, the outer end of which will be from 3 to 4 inches below the top of the shoulder according to height of wearer. Medals of honor and the several distinctive marks given for excellence in rifle practice, as well as army corps badges, may also be worn in the same manner by officers and enlisted men upon all occasions of ceremony. Insignia "buttons" will not be worn.

GENERAL ORDERS, No. 6.

HEADQUARTERS OF THE ARMY, ADJUTANT-GENERAL'S OFFICE, *Washington, January 12, 1900.*

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II. By direction of the Secretary of War, paragraph 1256 of the Regulations is amended to read as follows:

1256. When troops travel otherwise than by marching, or when for short periods they are separated from cooking facilities and do not carry cooked rations, the following articles will be issued in lieu of all components of the ordinary ration. They constitute the travel ration:

Articles.	Per 100 rations.
Soft bread ... pounds..	112½
Or hard bread ... do....	100
Beef, canned ... do....	75
Baked beans, 1-pound cans ... number..	33
Or baked beans, 3-pound cans ... do....	15
Coffee, roasted ... pounds..	8
Sugar ... do....	15

After troops have been subsisted upon the travel ration for four consecutive days, they may be allowed canned tomatoes, in addition to the travel ration, at the rate of 1 pound of tomatoes per man per day. When they arrive at their destination or rejoin their station, subsistence upon the ordinary ration will be resumed immediately, and the travel rations remaining on hand in good condition, which were issued in excess of the time actually consumed by the journey, will be exchanged by the commissary for the regular ration issued at the station.

GENERAL ORDERS, No. 11.

HEADQUARTERS OF THE ARMY, ADJUTANT-GENERAL'S OFFICE, *Washington, January 23, 1900.*

I. By direction of the Secretary of War, in order to conform to a decision of the Comptroller of the Treasury, dated February 8, 1889, paragraph 1385 of the Regulations is amended to read as follows:

1385. Traveling allowances to discharged soldiers are computed by taking

the distance in miles by the shortest usually traveled route from place of discharge to that of enlistment and allowing one day's pay and subsistence at the rate of 30 cents for every 20 miles of travel, and this allowance will be calculated for the exact distance, and where the distance is not an exact multiple of 20 the remainder, after dividing by 20, will be allowed for as entitling to the proper proportion of one day's pay. If transportation has been furnished for any part of the distance, that part will be excluded from the computation of travel-pay, but subsistence for the full distance will be allowed.

II. By direction of the Secretary of War, paragraph 1538 of the Regulations is amended to read as follows:

1538. Vacancies in the grade of first lieutenant in the Signal Corps are filled by transfer from the line of the Army. To be eligible, an officer must be less than 30 years of age, have served at least two years as an officer in the line, and have passed a satisfactory examination before a board of officers of the Signal Corps: *Provided*, That the age limit may be raised to not exceeding 40 years, in the discretion of the Secretary of War, in the case of any officer who has distinguished himself by war service. Applications for examination will be made to the Adjutant-General of the Army. Should the applicant be directed to appear before a board, he will, after passing a satisfactory examination as to his physical qualifications, be examined upon the following subjects, or such others as the Secretary of War may prescribe: Theoretical and practical electricity, modern languages, chemistry and optics, military surveying, and reconnoissance. The board will inquire into and consider the special military fitness for the Signal Corps of the candidate and require from him an essay on a military subject.

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GENERAL ORDERS, No. 12.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, January 27, 1900.

I. By direction of the Secretary of War, paragraph 2, General Orders, No. 192, November 2, 1899, from this office, is modified to read as follows:

The commander of a Territorial department or army in the field, after thoroughly investigating cases of soldiers recommended for discharge on account of disease contracted before enlistment or by their own misconduct or bad habits, is authorized to issue orders in the name of the Secretary of War for the discharge of such enlisted men after determining each case on its merits.

So much of section 3, paragraph 140, of the Regulations, as conflicts herewith is amended accordingly.

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GENERAL ORDERS, No. 19.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, February 17, 1900.

By direction of the Secretary of War the following articles of clothing are added to the annual clothing allowance for each of the enlisted men

serving in the Department of Alaska, to take effect April 1, 1900, and they will be charged, until otherwise directed, at the following prices:

1 southwester hat	each	$0.15
1 fur cap	do	1.15
1 pair fur gauntlets	per pair	1.68
1 mackinaw overcoat	each	12.75
1 oilskin coat	do	1.48
1 pair oilskin trousers	per pair	.73
1 pair buckskin gloves	do	1.08
1 pair buckskin mittens	do	1.10
1 pair moccasins	do	3.40
1 pair German socks	do	.87
1 pair shoe pacs	do	1.25
1 sweater	each	4.00

The clothing-money allowances of each of the enlisted men serving in the Department of Alaska will, until the publication of a new price list of clothing and equipage, be $30 per annum, in addition to that fixed by General Orders, No. 165, September 8, 1899, from this office. The value of such of the above-specified articles as may be the property of the United States and in the possession of the enlisted men on the date on which this order will go into effect will be appraised by commanding officers and charged against their clothing-money allowance. (*See A. R., 1191.*)

GENERAL ORDERS, No. 20.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, February 19, 1900.

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II. By direction of the Secretary of War paragraph 158 of the Regulations is amended to read as follows:

158. When a soldier is killed in action or dies at any post, hospital, or station, it shall be the duty of his immediate commander to secure his effects and to prepare the inventory required by the one hundred and twenty-sixth article of war, according to prescribed form, and to notify nearest relative of the fact of death. Duplicates of the inventory, with final statements, will be forwarded direct to the Adjutant-General of the Army.

GENERAL ORDERS, No. 22.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, February 24, 1900.

I. By direction of the Secretary of War, the following indorsement from the honorable the Secretary of the Treasury, so far modifying Treasury Department Circular No. 7, as published in paragraph 3, General Orders, No. 12, January 27, 1900, from this office, as to authorize the use of rubber stamps to indicate "purpose for which drawn" or rank of officer drawing the checks, is published to the Army for the information and guidance of all concerned:

TREASURY DEPARTMENT, *February 12, 1900.*

Respectfully returned to the honorable the Secretary of War, with the information that the provisions of the circular within referred to were intended to prohibit the use of a stamp

or typewriter in filling in the date, payee's name, and amount of checks. No objection has been raised to their use to indicate "purpose for which drawn" or rank of officer drawing the checks, and until found to be seriously objectionable their use for such purpose may be continued.

O. L. SPAULDING, *Acting Secretary.*

(*See A. R. 596.*)

II. By direction of the Secretary of War the following is published to the Army for the information and guidance of all concerned:

Toilet paper, as an article of issue, will be furnished by the Subsistence Department until June 30, 1900, for the use of the enlisted men stationed at such military posts and camps as are provided with modern water-closets with sewer connections.

Issues at such posts and camps will be made upon special requisitions of the commanding officers of organizations, approved by commanding officers of posts and camps, at the rate of one package of 1,000 sheets for each two enlisted men per month.

Commanding officers of organizations and post and camp quartermasters will make report, through military channels, on June 15, 1900, to the Adjutant-General of the Army, from which it may be determined whether the issue of toilet paper at such places is a measure of economy and whether the continuance of the issue after June 30, 1900, will be advantageous and desirable. (*See A. R. 1265.*)

GENERAL ORDERS, No. 24.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, February 28, 1900.

I. By direction of the Secretary of War, Paragraph I, General Orders, No. 31, February 21, 1899, from this office, authorizing the payment of commutation of rations to enlisted men in the island of Cuba, who may be detailed on special duty which separates them from messing facilities with the troops at the rate of $1.50 per diem is revoked, and hereafter commutation of rations will be paid at the rate of 75 cents per day, as authorized by section 3 of paragraph 1272 of the Regulations.

II. By direction of the Secretary of War, paragraph 326 of the Regulations, and so much of the Post Exchange Regulations published May 1, 1899, from this office, as is covered thereby are amended to read as follows:

326. On June 30 and December 31 of each year the commanding officer of a post at which an exchange is conducted will submit to the Adjutant-General of the Army, through military channels, a detailed report of the operations and financial condition of the exchange, accompanied by such remarks touching its effect upon the welfare of his command as he may deem it necessary to make for the information of the Commanding General of the Army and the Secretary of War; and when no exchange has been maintained at a post such fact will also be communicated to the Adjutant-General of the Army, through military channels, on the dates hereinbefore specified.

GENERAL ORDERS, No. 26.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, March 6, 1900.

By direction of the Acting Secretary of War, paragraph 5, General Orders, No. 96, May 19, 1899, from this office, is amended to read as follows:

5. An enlisted man a resident of the United States serving in the islands

mentioned in paragraph 4 hereof who is discharged the service in those islands by transfer to another branch of the service; or on his own application, whether by way of favor or by purchase: or because of confinement by the civil authorities; or by way of punishment for an offense or for disability caused by his own misconduct; or on account of fraudulent enlistment, is, by the operation of section 1290, Revised Statutes, and the act of March 16, 1896 (29 Stat. L., 63), prevented from being allowed the usual traveling allowances to the place of his enlistment, enrollment, or original muster into the service, but he will be brought by the Government to the United States on a transport free of charge: *Provided*, That an enlisted man discharged because of confinement by civil authorities, or by way of punishment for an offense, or for disability caused by his own misconduct, shall be required to leave the islands by the first transport departing for the United States or forfeit the privilege of being sent to the United States at the expense of the Government. (*See A. R., 141.*)

GENERAL ORDERS, No. 30.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, March 12, 1900.

The following instructions are published to the Army for the information and guidance of all troops serving as coast artillery:

ARTILLERY INSTRUCTION.

Artillery instruction, including the care and preservation of all artillery material and accessories, platforms, emplacements, magazines, storerooms, communications, etc., will have allotted to it two hours and a half daily (weather permitting and Sundays excepted) during the active drill season, and two hours daily (Sundays excepted) during the rest of the year.

When the weather is too inclement for outdoor work, theoretical and, as far as possible, practical artillery instruction will be given under cover during the prescribed hours for the season.

Saturday and monthly inspections will be held as prescribed in Drill Regulations.

Artillery target practice will be held as prescribed in Drill Regulations at such periods of the year as may be announced in orders from department headquarters and at such hours of the day as may be prescribed by proper authority (preferably fortress or district commander).

The works will occasionally be manned at night for the operations laid down in Drill Regulations for Coast Artillery under the head of "Night practice," page 122.

The command will be exercised in "fire direction" and "fire control" at least once each week, and all details of this drill will be carried out as thoroughly as the equipment at hand will permit. This exercise may take the place of one of the regular drills.

Pending the supply of subcaliber tubes an arrangement may be improvised using the infantry rifle properly centered and practice had at fixed and moving targets. Exercises herein prescribed in fire discipline will be considered a compliance with General Orders, No. 53, Adjutant-General's Office, series of 1896, for the coast artillery.

The mounting and dismounting of guns, mortars, and carriages will be classified as fatigue duty.

INFANTRY INSTRUCTION.

Recruits will receive thorough instruction in the school of the soldier before they are turned in to the battery for duty.

When the weather and other conditions are suitable there will be a daily dress parade (Saturdays and Sundays excepted), with a drill immediately thereafter not to exceed fifteen minutes' duration, and including instruction in close order, in firing, and in the elementary movements in open order.

Small-arms target practice will be limited to 300 yards, as now prescribed, and when no range is available gallery practice will be had.

The period for small-arms target practice will not be limited, but may be extended throughout the year, except during the season of artillery target practice.

SIGNALING.

See Army Regulations, 1544, amended by paragraph 1, General Orders, No. 114, Adjutant-General's Office, 1899.

CALISTHENICS.

Ten minutes daily (Saturdays and Sundays excepted) during the active drill season.

Whenever in the judgment of the commanding officer extra cleaning material is necessary a special requisition will be made therefor.

In his quarterly report, paragraph VII, General Orders, No. 68, Adjutant-General's Office, series of 1897, the post or battalion commander will include a statement of exercises and drills prescribed that have not been fully complied with and state reasons therefor. (*See also A. R., 352.*)

GENERAL ORDERS, No. 31.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, March 15, 1900.

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II. By direction of the Acting Secretary of War, the following is published to the Army for the information and guidance of all concerned:

1. Whenever the contract of an acting assistant surgeon is annulled, the fact and date of annulment will be noted in writing on his contract, and when an acting assistant surgeon is ordered to his home for annulment of contract, such fact will also be noted thereon by the officer under whose orders he may at the time be serving.

2. Acting assistant surgeons must present their contracts to paymasters when applying for payment of salaries, and paymasters will indorse thereon date and period for which paid. (*See A. R., 1464.*)

GENERAL ORDERS, No. 33.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, March 19, 1900.

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II. By direction of the Acting Secretary of War, paragraph 877 of the Regulations is amended to read as follows:

877. When an officer ceases to act as a disbursing officer, or closes his

account on change of station, he will submit to the officer to whom the inspection of his accounts has been assigned a statement of his money accounts from date of last inspection to and including the closing of his accounts, with a list of outstanding checks. If an inspection be impracticable the statement will be forwarded to the Inspector-General of the Army.

GENERAL ORDERS, No. 34.

HEADQUARTERS OF THE ARMY, ADJUTANT-GENERAL'S OFFICE, *Washington, March 21, 1900.*

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II. By direction of the Secretary of War, clothing drawn in excess of allowance by soldiers discharged without honor will be taken up again on the returns of the quartermaster of the post at which the soldier may be serving, and if new will be reissued; otherwise, it will be transferred to the nearest clothing depot for use of general prisoners, unless the particular post may be the one at which prisoners are confined, in which case the clothing will be allowed to remain for use of such prisoners. (*See A. R., 1193 and 1386.*)

GENERAL ORDERS, No. 35.

HEADQUARTERS OF THE ARMY, ADJUTANT-GENERAL'S OFFICE, *Washington, March 27, 1900.*

By direction of the Secretary of War, paragraph 1020*a* of the Regulations, as published in General Orders, No. 118, June 24, 1899, from this office, is amended to read as follows:

1020a. Civilians employed with the Army at remote posts or stations where it is impossible to procure, at reasonable rates, such articles of clothing and other quartermaster's supplies (except uniforms) as they may need for their health and comfort may be allowed to purchase same from the Quartermaster's Department in limited quantities for their own use, for cash at cost prices, with 10 per cent added to cover transportation.

Such sales will, however, be made only upon the written approval of the commanding officer setting forth the necessity for such action. This authority to be filed with the return of the officer making such sales.

GENERAL ORDERS, No. 39.

HEADQUARTERS OF THE ARMY, ADJUTANT-GENERAL'S OFFICE, *Washington, April 2, 1900.*

I. By direction of the Secretary of War, paragraph 1412 of the Regulations, as amended by General Orders, No. 60, October 28, 1897, from this office, is further amended to read as follows:

1412. Special instruction in the duties of litter bearers and the methods of rendering first aid to the sick and wounded will be given to all enlisted men of the Army by their company officers for at least four hours in each month, except that such instruction for officers and enlisted men of the seacoast artillery will be limited to one hour per month. Company commanders will be supplied from the Surgeon-General's Office with the Drill

Regulations for the Hospital Corps, and the surgeon of the post, under the direction of the post commander, will thoroughly instruct all company officers serving with troops in the professional knowledge required.

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GENERAL ORDERS, No. 41.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, April 3, 1900.

I. By direction of the Secretary of War, paragraph 223 of the Regulations, amended by General Orders, No. 21, February 1, 1899, from this office, is further amended to read as follows:

223. Whenever in the opinion of a commanding officer the condition of any silken color, standard, or guidon in the possession of his command has become unserviceable, a board of survey will be appointed to report for the information of the Secretary of War its condition and as to the necessity of supplying a new one. If requiring repair, application to have it placed in a serviceable condition should be made to the Quartermaster-General. Service colors and guidons will be submitted for the action of an inspector when unfit for further use. Upon receipt of new silken colors, standards, or guidons commanding officers will cause those replaced to be numbered and retained by the organizations to which they belong as mementos of service, a synopsis of which, bearing the same number, will be filed with the records of the organization.

II. By direction of the Secretary of War, paragraph 574 of the Regulations is amended to read as follows:

574. Before a corporation will be accepted as surety there must be filed with the Secretary of War or attached to the bond a copy of the record of the selection of the officers who have authority to execute the bond or bonds on behalf of the company, as well as a copy of the by-laws or other records showing their authority; these copies to be duly certified by the custodian of such records, under the seal of the corporation, to be correct copies. There will also be filed with the Secretary of War an itemized statement of the financial condition of the company, showing its assets and liabilities, signed and sworn to by the president and secretary of the company. The financial statement will be furnished quarterly without being called for, and the evidence as to the selection of the officers of the company will be furnished immediately after their election, and whenever any change is made in their authority to execute bonds evidence thereof will be immediately furnished.

GENERAL ORDERS, No. 42.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, April 3, 1900.

By direction of the Secretary of War, the following is published to the Army for the information and guidance of all concerned:

Section 12 of the act of July 31, 1894 (28 Stat. L., 209), prescribes:

SEC. 12. All monthly accounts shall be mailed or otherwise sent to the proper officer at Washington within ten days after the end of the month to which they relate, and quarterly

and other accounts within twenty days after the period to which they relate, and shall be transmitted to and received by the auditors within twenty days of their actual receipt at the proper office in Washington in the case of monthly and sixty days in the case of quarterly and other accounts.

Permission has been given by the Secretary of the Treasury, in pursuance of authority vested in him by law, for relaxing the requirement of mailing or otherwise sending accounts, and he has extended the period of such relaxation to December 31, 1900. (See General Orders, No. 211, Headquarters Army, December 29, 1899, and the orders therein cited.) Under this permission the date of mailing as fixed by Army Regulations, 627, has been temporarily changed to the 20th day of each month for all accounts, whether rendered in this country or in the island possessions.

The exigency which required this temporary change having now ceased in the Subsistence Department at all depots, posts, and stations in the United States, except at the purchasing depots at New York, Chicago, and San Francisco, the relaxation of the law as to time of rendition of accounts is hereby withdrawn to take effect May 1, 1900, from all but the excepted depots, and accounts will thereafter be mailed on or before the 10th day of the month as required by Army Regulations, 627. At the excepted depots the mailing of accounts may continue to be delayed until the 20th day of the month until further orders, or until December 31, 1900.

In the island possessions of Cuba, Porto Rico, and Hawaii the relaxation is hereby withdrawn as of date May 1, 1900, from all officers in those islands engaged in the receipt or disbursement of subsistence funds, and their accounts will thereafter be mailed on or before the 10th day of the month, as required by Army Regulations, 627.

The mailing of the accounts of officers receiving and disbursing subsistence funds in the Philippines may continue to be delayed until the 20th day of the month until further orders, or until December 31, 1900.

Officers receiving and disbursing subsistence funds on United States transports will, after May 1, 1900, mail their accounts and returns at the port at which they may be when the ten days' limit will expire, or if they should be at sea when the ten days' limit expires, they will mail their accounts and returns at the next United States or island port at which a stop is made.

Returns of subsistence stores and subsistence property will be rendered and mailed at all places concurrently with the rendering and mailing of accounts current and vouchers.

An officer delinquent in mailing his subsistence account current and vouchers, or his returns, within the time hereinabove limited will transmit with them at the time of mailing a full explanation of the causes of delay, for the action of the proper authorities. (*A. R.*, *627*.)

GENERAL ORDERS, No. 45.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, April 6, 1900.

I. By direction of the Secretary of War, paragraph 1201 of the Regulations, as amended by Paragraph II of General Orders, No. 92, May 10, 1899, from this office, is further amended to read as follows:

1201. There will be furnished by the Quartermaster's Department to all duly authorized bands of the Army the following-named musical instru-

ments, viz: Db piccolo, terz and concert flutes, Eb and Bb cornets, Eb trumpets, Eb and Bb clarionets, Eb altos, Bb trombones (valve or slide), Bb baritones, Eb, Bb, and BBb bassos, bass and snare drums, cymbals, triangles, music stands, and extra parts for the repair of the instruments; also, batons with suitable cords and tassels for use of drum majors of all dismounted bands. Mounted bands may be supplied with a pair of kettle-drums in lieu of the bass and tenor drums, cymbals, and triangles, and also with altos, trombones, and bassos of helicon shape. A fluglehorn may be furnished in lieu of the Eb trumpet, a euphonium in lieu of one alto, one Eb alto saxophone, and one Eb baritone saxophone in lieu of two cornets; but under no circumstances will more than a complete instrumentation for 28 musicians be supplied. In making requisition for band instruments a statement showing the number and kind on hand and their condition should accompany the same. All the property specified will be accounted for by the quartermaster of the regiment. When any instrument has become unserviceable, it will be submitted to a board of survey. A copy of the proceedings of the board will be forwarded to the Quartermaster-General with a view of having the instrument repaired, if practicable, or otherwise disposed of. When an instrument needs minor repairs, involving only a slight expense, and the work can be done in a workmanlike manner in the vicinity of the post, it will not be necessary to submit the instrument to a board of survey. Such repair may be secured upon the written order of the commanding officer; but a report of the nature of the work and cost involved will be made to the Quartermaster-General through proper military channels.

II. By direction of the Secretary of War, paragraph 1280 of the Regulations is amended to read as follows:

1280. Subsistence stores (except forage for beef cattle) will be sold for cash to an officer of the Army, or to a contract surgeon or veterinarian, at cost price, on his certificate that they are for his personal or family use or for the use of an officers' mess of which he is the caterer. They will also be sold during the absence of an officer to a member of his family authorized by him to purchase in his name upon a written request by him to the commissary.

III. By direction of the Secretary of War, the following paragraph is added to the Army Regulations:

1457a. Accounts for the payment of special nurses employed, when necessary for the proper care of the patient, to attend sick officers or soldiers on duty at posts or stations where treatment in an army hospital can not be obtained, will be sent to the Surgeon-General for settlement. The accounts will set forth the full name and address of the nurse, the full name, rank, company, and regiment or corps of the patient, the disease for which he was treated, the dates of service and number of hours per day service was rendered, and the rate of pay per week or per month. The rate shall in no case exceed $10 per week. The nurse will certify that the account is correct and just; that the services were rendered as stated, and that the patient is not related to the nurse. The attending physician will certify that the services of a nurse were indispensable to the proper care of the patient; that the nurse was competent; that the services were rendered as claimed, and that the charges do not exceed those customary in the vicinity for competent nurses. The officer will certify, or if no officer is cognizant

of the facts, the enlisted man will make oath to the correctness of the account, stating that the patient was on duty at the time and place specified, and why treatment in an army hospital could not be obtained. When practicable, the patient will pay the account and transmit it properly receipted to the Surgeon-General for reimbursement, the fact of payment by the patient being plainly stated both by the patient and the nurse. No accounts for nurses employed in inconsiderable cases will be paid.

GENERAL ORDERS, No. 46.

HEADQUARTERS OF THE ARMY, ADJUTANT-GENERAL'S OFFICE, *Washington, April 7, 1900.*

The following order has been received from the War Department and is published to the Army for the information and guidance of all concerned:

WAR DEPARTMENT, *Washington, April 6, 1900.*

Under the authority vested in him by section 1146, Revised Statutes, the President hereby increases the allowance of the following component parts of the ration for the troops serving in the Department of Alaska, such increase being considered necessary on account of the severity of the climate in that Department, viz:

Bacon, issue—1 pound per ration, instead of ¾ pound now allowed.

Fresh vegetables—1½ pounds per ration, instead of 1 pound now allowed.

Sugar, issue—20 pounds per 100 rations, instead of 15 pounds now allowed.

ELIHU ROOT, *Secretary of War.*

(*See A. R., 1253.*)

GENERAL ORDERS, No. 49.

HEADQUARTERS OF THE ARMY, ADJUTANT-GENERAL'S OFFICE, *Washington, April 13, 1900.*

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III. By direction of the Secretary of War, paragraph 609 of the Regulations is amended to read as follows:

609. The "originals" of all certificates of deposits are required by law to be forwarded by the depositaries direct to the Secretary of the Treasury; the "duplicates" are filed by the depositing officers with their retained papers. Immediately upon making a deposit to the credit of the Treasurer of the United States the depositing officer will notify the proper chief of bureau of the fact, stating the number of the certificate of deposit, the name of the depository, the date of the deposit, the amount, the appropriation to which the money pertains, and whether the amount arose from proceeds of sales or is a repayment of an unexpended balance. If the deposit is on account of the indebtedness of any person other than the depositing officer, the source from which the money was derived and the object of the payment will be distinctly stated and reference made to the vouchers, if any, to which the deposit pertains.

IV. By direction of the Secretary of War, the requirements of subdivision *b*, paragraph 10, General Orders, No. 81, June 27, 1898, from this office, providing for the turning into the Quartermaster's Department of cavalry horses unfit for cavalry service, but fit for team or draft horses, are rescinded within the limits of the United States. (*See A. R., 874 and 1037.*)

GENERAL ORDERS, No. 52.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, April 19, 1900.

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II. By direction of the Secretary of War, the following is published to the Army for the information and guidance of all concerned:

1. Commissaries on United States transports plying between the United States and Cuba or Porto Rico will not keep to their respective credits in public depositories a greater amount of subsistence funds than $1,000; those on transports plying between the United States and the Philippine Islands, via the Suez Canal, $2,000, and those on transports plying between the western coast of the United States and the Philippines will not keep any funds to their credit in depositories.

2. Transport commissaries on United States vessels operating between the United States and Cuba or Porto Rico are authorized to keep in their personal possession, at their own risk, not to exceed $500 subsistence funds; those on transports plying between the United States and the Philippine Islands, not to exceed $4,500 subsistence funds. All money received by transport commissaries from the sale of subsistence stores, or meals furnished aboard, in excess of the above amounts, will be transferred to such officer of the Subsistence Department as may be directed by the Commissary-General of Subsistence at the end of each journey. (*See A. R., 608.*)

GENERAL ORDERS, No. 53.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE.
Washington, April 19, 1900.

By direction of the Secretary of War, under instructions from the President, a competitive examination of enlisted men for promotion to the grade of second lieutenant, United States Army, will be held in each geographical department on June 1, 1900, in lieu of the usual examination in September, with a view to filling vacancies which may exist July 1, 1900.

A soldier desiring to take the competitive examination must have completed two years of service, as defined in Circular No. 7, March 20, 1900, from this office, on or prior to June 1, 1900, and his age on that date must be under 30 years.

A board will be convened June 1, 1900, by each department commander, before which any soldier serving within the department and possessing the legal qualifications and who may desire to take the examination will be ordered to appear. Each board so convened will conduct the examination according to the provisions of Section IV of General Orders, No. 79, November 26, 1892, as amended by General Orders, No. 32, February 21, 1899, and General Orders, No. 148, August 15, 1899, from this office, and will prepare and forward its report as directed in Section V thereof.

Regimental commanders will be directed to report at once to department commanders the names of all legally qualified enlisted men who desire to appear before the board.

For the purpose of appointment and of relative rank after appointment the names of the successful candidates will be arranged by the War Department on a list in order of merit according to their general average as reported by the several departmental boards. (*See A. R., 25.*)

GENERAL ORDERS, No. 56.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, April 23, 1900.

By direction of the Secretary of War, paragraph 115 of the Regulations, amended by General Orders, No. 45, May 16, 1898, from this office, is further amended to read as follows:

115. When a soldier deserts, a board of survey will be called by the regimental commander to ascertain whether he has lost or abstracted any articles of Government property, and if so, to determine the money value of the same. The value of the articles thus found to be missing will be charged against the deserter on the next muster and pay roll of his company, which will be accompanied by a copy of the board's report. A copy of so much of the proceedings as relates to the property charged on any roll will accompany the return to which the property pertains. The board will also fully investigate the circumstances attending desertion, especially the causes which induced it, and make a separate report in each case of its investigation and conclusions thereon, which will be transmitted to corps or department headquarters through intermediate channels. In case the number of officers on duty with the command is limited the summary court officer may be called upon to make this investigation and report. (*See also A. R., 709.*)

GENERAL ORDERS, No. 60.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, May 3, 1900.

By direction of the Secretary of War, so much of paragraph 805 of the Regulations as relates to personal reports of retired officers of the Army is amended to read as follows:

Every officer on the retired list will, unless specially exempted, report his address to the Adjutant-General of the Army quarterly—March 31, June 30, September 30, and December 31—and will also report promptly each change of address.

GENERAL ORDERS, No. 68.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, May 17, 1900.

By direction of the Secretary of War, paragraph 599 of the Regulations is amended to read as follows:

599. Disbursing officers will not issue to any creditor of the United States a check for more than $2,500 to be transmitted through the mails. In case the amount due is in excess of $2,500 a sufficient number of checks for $2,500, or less, will be issued as may be necessary to discharge the claim.

When an original check of a disbursing officer, not exceeding $2,600 in amount, has been lost or destroyed, a duplicate check may be issued by him, after six months and within three years of the date of the original, upon the owner filing with him the notice and proof of loss and the indemnity bond required by sections 3646 and 3647, Revised Statutes, and act of February 16, 1885. In case the disbursing officer who issued the original check is no longer in the service, the notice and proof of loss and the indemnity

bond will be sent to the Secretary of the Treasusy prior to the issue of a duplicate check. The proper accounting officer of the Treasury will state an account in favor of the owner of said check and charge the amount thereof to the account of such officer. Instructions for the execution and use of the affidavit and bond, and the issue of the duplicate check, accompany the blank form furnished by the Treasury Department.

GENERAL ORDERS, No. 72.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, May 24, 1900.

I. By direction of the Secretary of War, General Orders, No. 68, May 17, 1900, from this office, amending paragraph 599 of the Regulations, is rescinded.

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GENERAL ORDERS, No. 73.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, May 29, 1900.

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III. By direction of the Secretary of War, paragraph 575 of the Regulations is amended to read as follows:

575. In case of financial embarrassment, failure, or other disqualifying cause on the part of the surety to a bond, the Secretary of War will require the bond to be renewed to his satisfaction, upon notification to the principal. Official bonds may not be renewed at the will of the principal or surety, but only by direction of the Secretary, and the substitution of one corporate company for another as surety on a bond will not be permitted except by direction of the Secretary, or after the bond has run for a period of four years, when a renewal thereof is required by law.

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GENERAL ORDERS, No. 75.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, June 1, 1900.

I. By direction of the Secretary of War, paragraph 633 of the Regulations, as amended by General Orders, No. 179, November 17, 1898, from this office, is further amended to read as follows:

633. Every voucher in support of a payment for supplies or for services, whether it be made pursuant to a formally prepared contract, an accepted bid, or a purchase without advertising, will be made out in favor of the creditor, giving his address, and must state (if for supplies furnished) the date of the purchase, the quantity and price of each article, and the amount; or (if for services) the character of the services, the date or dates on which rendered, and the amount. Where a purchase under an accepted bid after public notice is made in the Quartermaster's or Subsistence Department, the voucher, besides being subject to the foregoing requirements, will be accompanied by a copy of the public notice, the accepted bid, and a copy of the

letter accepting the bid, and must contain a certificate that the award was made to the lowest responsible bidder for the best and most suitable articles, and that the needs of the service required the purchase to be made in the manner indicated by the public notice. Where papers relating to two or more vouchers are required to accompany accounts, they must be filed with the first voucher paid, and reference thereto made on the other vouchers. A voucher for services by the day or month must state the nature of the service, the inclusive dates of service, the time for which payment is made, the rate of pay, and the amount, and the receipt of a creditor to a voucher for supplies furnished or services rendered must contain the words "which I certify to be correct"

All vouchers when practicable will be rendered in the English language, but if rendered in a foreign language a translation of the same must accompany the voucher.

II. By direction of the Secretary of War, paragraph 634 of the Regulations is rescinded.

GENERAL ORDERS, No. 76.

HEADQUARTERS OF THE ARMY, ADJUTANT-GENERAL'S OFFICE, *Washington, June 1, 1900.*

The following act of Congress is published for the information and government of all concerned:

An act making appropriation for the support of the Regular and Volunteer Army for the fiscal year ending June thirtieth, nineteen hundred and one.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the support of the Army for the year ending June thirtieth, nineteen hundred and one.

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RETIRED ENLISTED MEN.

For pay of the enlisted men of the Army on the retired list, six hundred thousand dollars: *Provided,* That hereafter, in computing length of service for retirement, credit shall be given the soldier for double the time of his actual service in Porto Rico, Cuba, or in the Philippine Islands.

(*See A. R., 135.*)

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GENERAL ORDERS, No. 83.

HEADQUARTERS OF THE ARMY, ADJUTANT-GENERAL'S OFFICE, *Washington, June 13, 1900.*

By direction of the Secretary of War, paragraph 1109 of the Regulations, as amended by General Orders, No. 40, June 24, 1897; No. 90, May 5, 1899; No. 106, June 12, 1899, and No. 111, June 17, 1899, from this office, is further amended to read as follows:

1109. The following persons are entitled, at public expense, to a double berth in a sleeping car, or to the customary stateroom accommodations on steamers, where extra charge is made for the same: Officers of the Army traveling on duty with troops; Army nurses, civilian clerks, and agents in the military service, when traveling under orders on public business;

sergeant-majors (regimental, battalion, or squadron), ordnance, commissary (post or regimental), quartermaster (post or regimental), and electrician sergeants, hospital stewards, chief musicians, chief trumpeters, principal musicians, first sergeants, and sergeants of the Signal Corps, when traveling under orders on public business without troops; also invalid soldiers, when so traveling on the certificate of a medical officer showing the necessity therefor.

When the number of officers traveling with troops is too small to justify the hire by the Quartermaster's Department of a standard sleeping car for their accommodation, they shall be furnished with such part of a tourist sleeping car, or other suitable sleeping car, properly curtained off for their accommodation, as the Quartermaster's Department may provide for their use during the journey.

GENERAL ORDERS, No. 85.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, June 16, 1900.

I. By direction of the Secretary of War, paragraph 114 of the Regulations is amended to read as follows, and in connection therewith attention is invited to paragraph 8, General Orders, No. 149, August 17, 1899, from this office:

114. A transfer will take effect on the date of the receipt of the order at the post where the soldier is serving and a descriptive list and account of pay and clothing showing that date will be forwarded to the commanding officer of the company or detachment to which the soldier is transferred.

NOTE.—The actual date of transfer will be stated on the roll upon which the soldier is first paid after transfer.

II. By direction of the Secretary of War, the commanding generals of the following-named military divisions and departments are authorized to grant, until further orders, leaves of absence to officers for the periods specified or to extend to such periods leaves granted by subordinate commanders:

Division of the Philippines, three months.

Division of Cuba, two months.

Departments of Porto Rico and Alaska, two months.

Department of California, two months—to officers serving in Hawaii, only. (*See A. R., 46.*)

GENERAL ORDERS, No. 88.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, June 27, 1900.

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II. By direction of the Secretary of War, paragraph 1385 of the Regulations, amended by General Orders, No. 11, January 23, 1900, from this office, is, in accordance with the act making appropriations for the support of the Army, published in General Orders, No. 76, June 1, 1900, from this office, further amended to read as follows:

1385. An enlisted man when discharged from the service, except by way of punishment for an offense, shall receive 4 cents per mile from the place of his discharge to the place of his enlistment, enrollment, or original mus-

ter into the service, except that for sea travel on discharge to, from, or between our island possessions, transportation and subsistence only shall be furnished to him.

GENERAL ORDERS, No. 89.

HEADQUARTERS OF THE ARMY, ADJUTANT-GENERAL'S OFFICE, *Washington, July 6, 1900.*

I. By direction of the Secretary of War, paragraph 3, General Orders, No. 98, May 26, 1899, from this office, is amended to read as follows:

Furloughs granted to enlisted men serving in Cuba, Porto Rico, Hawaii, Guam, Philippine Islands, Department of Alaska, or at any station beyond the limits of the United States, for the purpose of returning to this country, will take effect on the dates they reach the United States, which will be indorsed on the furloughs by the transport commissaries. The furloughs will direct the soldier to report for duty at the close of the last day thereof at the military post nearest the particular home port from which transports usually sail for the islands or stations above referred to, and the commanding officers of these posts will assign such enlisted men to organizations under their command for the purpose of subsistence during the time they are detained at their posts, and they will be returned to their proper stations by the first available transport.

Commanding officers will cause notation to be made on the furloughs showing the dates when the men report at their posts, and at the proper time will issue the necessary orders directing them to rejoin their stations, reciting therein the date of their arrival in the United States, date of reporting at post, and whether or not commutation of rations has been paid. A copy of the order will be furnished to the soldier and to the commanding officers concerned.

The commissary of the transport on which these enlisted men return will indorse on such orders the dates during which they were subsisted aboard the transport. The order will be retained by the enlisted man, who will deliver it to his commanding officer as evidence of his authority to be absent from his post during the time required for travel in rejoining the same. (*See Art. XVII, A. R.*)

II. By direction of the Secretary of War, the following is published to the Army for the information and guidance of all concerned:

The attention of the Secretary of War having been called to the practice of certain officers of the Army of using printed blank forms in notifying paymasters of a soldier's discharge, which is in violation of paragraph 150 of the Regulations, he directs that the requirements of said Regulations be strictly adhered to.

GENERAL ORDERS, No. 91.

HEADQUARTERS OF THE ARMY, ADJUTANT-GENERAL'S OFFICE, *Washington, July 9, 1900.*

I. By direction of the Secretary of War, the following is published to the Army for the information and guidance of all concerned:

Toilet paper, as an article of issue, will be furnished by the Subsistence Department until June 30, 1901, for the use of the enlisted men stationed at

such military posts and camps as are provided with modern water-closets with sewer connections.

Issues at such posts and camps will be made upon special requisitions of the commanding officers of organizations, approved by commanding officers of posts and camps, at the rate of one package or roll of 1,000 sheets, for each two enlisted men per month. (*See A. R., 1265.*)

GENERAL ORDERS, No. 96.

HEADQUARTERS OF THE ARMY, ADJUTANT-GENERAL'S OFFICE, *Washington, July 19, 1900.*

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II. The Paymaster-General of the Army has called the attention of the Secretary of War to the fact that some officers of the Army fail to require their men when signing pay rolls to write their names as they are borne on the rolls, which, presumably, is as given on their descriptive lists, and he directs that officers charged with the preparation of such rolls, and with the superintendence of the enlisted men signing the same, exercise due care that the signature of the soldier corresponds exactly with the name as borne on the rolls, as otherwise it will result in endless confusion of the records if the men be allowed to sign their names sometimes one way and sometimes another, or if the officer fail to muster them exactly by the same name on each roll.

Officers making returns of deposits, as required by paragraph 1371 of the Regulations, will take due care that the names of the enlisted men reported thereon correspond exactly with the names as borne on the rolls. (*See also A. R., 1364.*)

GENERAL ORDERS, No. 97.

HEADQUARTERS OF THE ARMY, ADJUTANT-GENERAL'S OFFICE, *Washington, July 20, 1900.*

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II. By direction of the Secretary of War, paragraph 1322 of the Regulations is amended to read as follows:

1322. Travel allowances will be paid by the chief paymaster of the department in which the journey is completed. The foregoing will not apply to journeys in which delays at intermediate points occur and afford opportunity for the collection of mileage for travel performed to such points.

GENERAL ORDERS, No. 100.

HEADQUARTERS OF THE ARMY, ADJUTANT-GENERAL'S OFFICE, *Washington, July 25, 1900.*

I. By direction of the Secretary of War, General Orders, No. 167, October 13, 1898, from this office, regarding leaves of absence, is revoked in view of the decision of the Comptroller of the Treasury, published in Circular, No. 20, June 30, 1900, from this office. (*See A. R., 53.*)

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GENERAL ORDERS, No. 107.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, August 8, 1900.

By direction of the Secretary of War, paragraph 1288 of the Regulations is amended to read as follows:

1288. An officer purchasing subsistence stores on credit will furnish the commissary making the sale with a receipt in duplicate (on Form No. 73, Subsistence Department), setting forth the place and date of purchase, the name of the commissary who made the sale, and the money value of the stores so purchased. One copy of the receipt will be forwarded by the commissary to the paymaster who pays the officer, or to the chief paymaster of the department, and will be filed with the pay voucher on which collection is made; the duplicate receipt will be filed by the commissary with his retained abstract of sales. The names of the officers purchasing subsistence stores on credit, the organizations to which they belong, and the money value of the stores so purchased will be entered on the abstract of sales.

GENERAL ORDERS, No. 109.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, August 14, 1900.

I. By direction of the Secretary of War, the following is published to the Army for the information and guidance of all concerned:

In conformity with the act of Congress approved May 26, 1900, and in order to comply with the requirements of the accounting officers of the Treasury, mileage accounts must be accompanied by the original order, or a certified copy thereof, directing the journey, and when transportation in kind has been furnished for the whole or for any part of the distance actually traveled the order must be indorsed by the quartermaster issuing the transportation, showing between what points and over what route such transportation was furnished. (*See A. R., 1082 and 1325.*)

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GENERAL ORDERS, No. 113.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, August 22, 1900.

By direction of the Secretary of War, paragraph I, General Orders, No. 180, November 26, 1898, from this office, is revoked and the following is substituted therefor:

Deserters from volunteer organizations are subject to arrest and to trial by general court-martial at any time prior to the disbandment of the Volunteer Army of which those organizations form a part, but when that army passes out of existence deserters from it are no longer subject to the operation of military law. The Volunteer Army which was raised and maintained during the war with Spain under the provisions of the act of Congress approved April 22, 1898, is no longer in existence, and deserters from it are not subject to the exercise of military authority. Such deserters will not be taken into custody or under military control, either by acceptance of their surrender or otherwise, and no certificates of discharge of any kind will be issued to them.

When it is found in future that it is impracticable to bring to trial deserters from volunteer organizations that are being prepared at that time for muster out of service or that have been mustered out of service previously, although the Volunteer Army of which the mustered-out organizations formed a part may still be in existence, such deserters will not be taken into custody or under military control, either by acceptance of their surrender or otherwise; no change on the muster rolls or other records will be made with regard to them and no certificates of discharge of any kind will be issued to them. Those who claim that the charges of desertion standing against them are erroneous or unfounded will be advised to submit to the Adjutant-General of the Army written statements, under oath, of the facts in their respective cases, together with such corroborative testimony, also under oath, as they may be able to obtain. Mustering officers and others having cognizance of such cases will make special reports to the Adjutant-General of the Army in those cases in which they have reason to believe that the charge of desertion has been made erroneously or improperly.

It is to be understood that nothing in this order shall be held to apply to the cases of deserters whom it is practicable to bring to trial, and that the order only applies to those whom it is clearly impracticable to bring to trial without delaying the muster out of the commands to which they belong or for other equally good reasons.

This order shall not be construed as affecting the status of military convicts of the Volunteer Army under sentences of general courts-martial for desertion or other offenses. Such convicts remain liable to the full execution of their sentences notwithstanding the disbandment of the army to which they belonged. (*See A. R., 132, 133, and 141.*)

GENERAL ORDERS, No. 114.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, August 22, 1900.

I. By direction of the Secretary of War, the following instructions are published to the Army for the information and guidance of all concerned, and will be strictly complied with:

In all cases of soldiers discharged outside of the United States the fact that transportation and subsistence have or have not been furnished, as the case may be, must be indorsed on the final statement, in order not only to enable paymasters to correctly pay the travel pay for land travel due the soldier from place of discharge to port of embarkation and from port of debarkation to place of enlistment, but to protect the rights of the Government and the soldier as well. (*See A. R., 141, 153, and 1273.*)

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GENERAL ORDERS, No. 115.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, August 23, 1900.

I. By direction of the Secretary of War, paragraphs 842, 843, and 1458 of the Regulations are amended to read as follows:

842. The recruiting officer will be present at the physical examination of

the recruit by the surgeon. In the absence of a commissioned medical officer or acting assistant surgeon, recruiting officers will, whenever practicable, employ a civilian physician to make the physical examination preceding enlistment (see par. 1458). At recruiting stations, where a large number of recruits are to be examined, application will be made to the Surgeon-General for authority to employ a physician by the month under contract. When a recruiting officer who has employed a physician by the month under contract under proper authority is ordered from place to place to make enlistments, he will give the physician proper written orders in advance to accompany him for the purpose of examining recruits, naming the places to be visited, and stating in the order that the travel enjoined is necessary for the public service. When there is no medical examiner at the station the recruiting officer will make the required examination.

843. Every accepted (sworn) recruit not already protected will be vaccinated at the recruiting station by the examining surgeon (see par. 1458). Vaccine virus is supplied by the Surgeon-General. As soon as a recruit joins any rendezvous, regiment, or post he will be examined by the surgeon to ascertain whether vaccination is required. In all cases where there is not unmistakable evidence of successful vaccination within a reasonable period the operation will be performed immediately.

1458. The compensation allowed to civilian physicians for the physical examination of recruits will be at the following rates: For a single recruit, $1; for two recruits on the same day, $1.50; for three recruits on the same day, $2; for four recruits on the same day, $2.50, and 40 cents for each recruit over four examined on any one day. A physician employed at different recruiting stations will be allowed the above rates in full for the examinations at each station. He will be allowed 50 cents for each authorized vaccination. Accounts for examination and vaccination of recruits will show the physician's address and the particular location of the recruiting station, the number of applicants examined each day and the charge, and the number of accepted recruits vaccinated each day and the charge. The physician will certify that the men vaccinated were not already protected, and the recruiting officer that they were accepted (sworn) recruits.

II. By direction of the Secretary of War, the following paragraphs are added to the regulations:

842a. An applicant enlisted at a post where there is no surgeon will be reexamined within two weeks after enlistment, and before any clothing is issued to him, by a medical officer or acting assistant surgeon, or in the absence of such officer by the civilian physician employed by the Medical Department.

1458a. The sick at recruiting stations, excepting those with trivial disabilities or severe injuries which render their removal impracticable, will be sent by the recruiting officer for treatment to the nearest military hospital. Accounts of civilian physicians for medical attendance and medicines furnished to recruits assigned or unassigned will give the date of enlistment in each case.

1458b. Civilian physicians employed in the absence of a medical officer or acting assistant surgeon to physically examine or vaccinate enlisted men, under these regulations or orders from competent authority, will be paid at the rates prescribed above for the examination and vaccination of recruits.

GENERAL ORDERS, No. 116.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, August 24, 1900.

By direction of the Secretary of War, the following is published to the Army for the information and guidance of all concerned:

Owing to the lack of prompt and uniform marking of soldiers' graves and the failure when reporting deaths to state precisely the locations of such graves, much difficulty has hitherto been experienced in many instances by the Quartermaster's corps having disinterments in charge in establishing identities.

Where conditions make it possible, every grave must be carefully marked by a headboard, with the name, rank, and organization of the deceased, and the company commander will be held responsible to the extent of marking the graves of men of his company who die or are killed on the field. He will report through the proper military channels the date and cause of death, stating the location of grave and how marked. When a soldier dies in hospital the surgeon in charge will be held responsible for similar action and report. (*See A. R.. 162 and 493.*)

GENERAL ORDERS, No. 118.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, August 31, 1900.

I. By direction of the Secretary of War, paragraph 1265 of the Regulations (including Paragraph II, General Orders, No. 45, March 13, 1899, from this office) is amended to read as follows:

OTHER ISSUES OF SUBSISTENCE STORES.

1265. The following issues are made when necessary for the public service:

Articles.	Allowance.	
	Quantity in bulk.	Equivalent in rations.
1. Candles, when oil for illuminating purposes is not furnished by the Quartermaster's Department:		
To headquarters of a department, per month	30 pounds	2,000
To headquarters in the field—		
Of each separate army, when composed of more than one corps, per month	40 pounds	2,667
Of an army corps, per month	30 pounds	2,000
Of a division, per month	20 pounds	1,333
Of a brigade or regiment, per month	10 pounds	667
Of a battalion or squadron, per month	10 pounds	667
To a division hospital, per month	40 pounds	2,667
To a brigade hospital, per month	30 pounds	2,000
To a regimental hospital, per month	20 pounds	1,333
To offices and storerooms—		
Of the chief quartermaster or chief commissary of a department or depot of supply, from Apr. 1 to Sept. 30, per month	10 pounds	667

Articles.	Allowance.	
	Quantity in bulk.	Equivalent in rations.
1. Candles, when oil for illuminating purposes is not furnished by the Quartermaster's Department—Continued.		
To offices and storerooms—Continued.		
Of the quartermaster or commissary of a post, from Apr. 1 to Sept. 30, per month	5 pounds	333
From Oct. 1 to Mar. 31, not exceeding double the above quantities.		
To guards—		
To the principal guard of each camp, per month	12 pounds	800
2. Lantern candles:		
To stables—		
Such number of pounds as the commanding officer may order as necessary.		
3. Salt:		
For public animals—		
For each animal, per week	2 ounces	
Or, when in the opinion of the commanding officer so much is necessary, not exceeding, per month	12 ounces	19
4. Vinegar:		
For every 100 public horses or mules for sanitary purposes—		
Such amount as the commanding officer may order as necessary, not exceeding, per week	2 gallons.	200
5. Flour:		
For paste used in target practice—		
Such quantity as the commanding officer may order as necessary, not to exceed 50 pounds for each troop, battery, or company during the target-practice season.		
6. Matches:		
For lighting fires and lamps for which fuel and illuminating supplies are issued—		
Such quantities as the commanding officer may order as necessary.		
7. Towels, huck:		
For use in the offices of the adjutant, quartermaster, and commissary—		
Such number as the commanding officer may order, not to exceed 12 per year, for each of the above offices.		
8. Toilet paper:		
For use of enlisted men stationed at such military posts and camps as are provided with modern water-closets with sewer connections—		
For each 2 enlisted men, per month, 1 package or roll of 1,000 sheets.		

The issues are made on ration returns signed by the officer in charge and issues ordered by the commanding officer, the latter determining what quantities within the limits above prescribed shall be issued. Candles, salt, vinegar, and flour for the above purposes are entered on the ration returns and on the abstract of issues in terms of rations, lantern candles in pounds, and matches in boxes. The returns and abstract show for what places the candles, towels, and toilet paper are intended, and the number of animals and period for which salt and vinegar are drawn, giving the troop, battery,

etc., to which they belong. Towels will be issued on receipts to the commissary. They will not be accounted for on the returns of the officers receiving them, but will be continued in use until worn-out.

II. By direction of the Secretary of War, paragraph 1266 is added to the regulations, to take the place of paragraph 1266, revoked by General Orders, No. 1, January 6, 1899, from this office, to read as follows:

1266. Issues of toilet, barbers', laundry, and tailors' articles for general prisoners confined at military posts without pay or allowances, and recruits at recruiting stations are made, viz:

1. Such of the following articles as may be necessary, not to exceed in value 50 cents per month for each general prisoner, will be issued by commissaries on the 15th day of each month to the officer in charge of prisoners, viz:

Beeswax.	Mugs, shaving.
Blacking, shoe.	Needles.
Brooms, whisk.	Razors.
Brushes, blacking.	Razor strops.
Brushes, hair.	Scissors.
Brushes, shaving.	Soap, issue.
Brushes, tooth.	Soap, shaving.
Buttons.	Thread.
Combs, fine.	Toilet paper.
Combs, horn.	Toweling, unbleached.

Requisitions for these articles must set forth the number of general prisoners present at the post and be approved by the post commander. The receipt of the officer in charge will be the commissary's voucher for dropping the articles from his return. No articles issued under this paragraph, except toothbrushes, fine combs, buttons, and thread, will be carried away by prisoners when transferred or discharged. Towels used by prisoners will be laundered by those who use them. When specially authorized by the Secretary of War, the Subsistence Department will supply to posts where thirty or more general prisoners are confined a sewing machine and other necessary tailors' utensils for use in mending prisoners' clothing.

2. A recruiting officer stationed elsewhere than at a military post is authorized to purchase such of the following articles as may be necessary for the use of all the recruits at his station, at an expense not exceeding 70 cents per month, namely:

Blacking, shoe.	Combs, coarse horn.
Brooms, whisk.	Toilet paper.
Brushes, blacking.	Toweling, unbleached.
Brushes, hair.	

If the officer is supplied with subsistence funds, he will pay the vouchers made out on Form No. 8, the certificate thereon being properly modified, and will report the purchase on Form No. 9, as required by paragraph 569. If not supplied with funds, he will send the duly certified vouchers for payment to the chief commissary of the department in which the recruiting station is located, accompanied by a report on Form No. 9. The towels in use by recruits at recruiting stations will be laundered at the expense of the Quartermaster's Department.

3. At a recruiting station at a military post such quantities of unbleached toweling, not exceeding 12 yards for a six months' supply, and such quan-

tity of issue soap as may be necessary, will be issued to the recruiting officer at the post by the commissary, upon requisition approved by the commanding officer, for use exclusively by applicants for enlistment, recruits on probation, and newly enlisted men awaiting transfer to permanent stations. Towels will be laundered by those who use them. The receipt of the recruiting officer will be the commissary's voucher for dropping the articles from his return.

4. Such quantities of toilet paper as may be absolutely necessary for the use of post guardhouses and of recruits at recruiting rendezvous will be issued by the commissaries to the officers in charge on requisitions approved by the post commanders. The receipt of the officer in charge will be the commissary's voucher for dropping the articles from his return.

5. Articles issued in pursuance of this paragraph will not be accounted for on property returns by officers receiving them, but will be continued in use until worn out.

III. By direction of the Secretary of War, paragraph 1006 of the Regulations, as amended by Paragraph II, General Orders, No. 12, January 17, 1899, from this office, is further amended by inserting the following clause, commencing on the twenty-second line from the foot of page 140:

A regimental, squadron, and battalion sergeant-major, quartermaster-sergeant, sergeant of the post noncommissioned staff, hospital steward, signal-sergeant,† chief musician, and enlisted men of the Signal Corps when employed as signal-sergeants, each.

GENERAL ORDERS, No. 119.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, September 6, 1900.

I. By direction of the Secretary of War, paragraphs 468, 848, and 1119, amended by General Orders, No. 7, January 14, 1899, and paragraph 2, Circular No. 18, June 16, 1900, from this office, and paragraphs 1407, 1417, and 1447 of the Regulations are amended to read as follows:

468. The Army Medical School, at Washington, District of Columbia, is governed by special regulations, and will have the following organization:

1. The faculty, which will consist of four or more professors selected from the senior officers of the Medical Department stationed in or near the city of Washington and such associate professors as may be required. The senior officer will be president and the junior secretary of the faculty.

2. The student officers will be selected by the Surgeon-General from those medical officers who have been appointed since the last preceding term of the school and such others as may be authorized to attend.

848. A register of the medical examination of recruits will be kept at each recruiting station and rendezvous. A report of the recruits examined during the preceding month will be forwarded not later than the 6th day of every month to the Surgeon-General, who will furnish blanks for the purpose, as well as blank registers of medical examination. When a register is filled, it will be forwarded to the Surgeon-General. Cases of "recruits on probation" who have failed for any cause to complete their enlistment will be indicated by an appropriate entry in the column of remarks, both on the monthly reports to the Surgeon-General and in the register.

1119. The baggage to be transported at public expense, including mess chests and personal baggage, upon change of station, will not exceed the following weights:

Rank.	In the field.	Changing station.
	Pounds.	*Pounds.*
Major-general	1,000	3,500
Brigadier-general	700	2,800
Field officer	500	2,400
Captain	200	2,000
First lieutenant	150	1,700
Second lieutenant and veterinarians, first class	150	1,500
Acting assistant surgeon	150	1,200
Post and regimental noncommissioned staff officer, hospital steward, chief musician, sergeant of the Signal Corps, and veterinarians, second class, each	.....	500

For officers and others in the above list when embarking under orders for extended service over the sea for duty, the allowance of baggage to be transported by the Quartermaster's Department from initial point to port of embarkation and from port of destination to garrison station will be three times the allowance prescribed above for change of station.

These allowances are in excess of the weights transported free of charge under the regular fares by public carriers. They may be reduced pro rata by the commanding officer, if necessary, and may, in special cases, be increased by the War Department on transports by water. Shipments of officers' allowance of baggage will in all cases be made at carrier's risk, including those over roads where tariffs provide for extra charge therefor.

1407. Accounts of pay and clothing of members of the corps will be kept by the surgeons under whose immediate direction they are serving. All members of the Hospital Corps casually at a post are under the immediate orders of the surgeon. If discharged, their final statements will be prepared by the surgeon.

1417. At posts each company will be furnished with one hand litter which will be kept ready at all times for use. They will be supplied and repaired by the Quartermaster's Department.

1447. Hospital charges will be as follows: For subsistence of a retired enlisted man, 40 cents per day; for nursing, medicines, and subsistence of a civilian employee, 40 cents per day; for officers of the Army, seamen, and river boatmen (admitted only on permit issued by medical officer of the Marine-Hospital Service or a customs officer), and civilians admitted as provided in the preceding paragraph, $1 per day. The money received will be accounted for with the hospital fund.

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GENERAL ORDERS, No. 120.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, September 7, 1900.

By direction of the Secretary of War, the following letter of the Comptroller of the Treasury is published to the Army for the information and guidance of all concerned:

TREASURY DEPARTMENT,
OFFICE OF COMPTROLLER OF THE TREASURY,
Washington, D. C., August 25, 1900.

The Honorable the SECRETARY OF WAR.

SIR: I have received your letter of the 11th instant transmitting a communication from the Acting Commissary-General of Subsistence, United States Army, and inclosing a blank form of "Contract for services as nurse," and inviting attention to paragraph 2 thereof in part as follows:

"That during the continuance of this contract the party of the second part shall receive in full payment and satisfaction for the services herein agreed to be rendered the sum of —— ($——) dollars per month, together with one ration in kind per day (which may be commuted at the rate of 75 cents per day when on duty where subsistence is not furnished by the United States, and 25 cents per day when on leave of absence)." * * *

The question submitted for my decision is—

"Whether payment of commutation of rations can properly be made them from such funds (of the Subsistence Department) for periods when stationed at places where the ration in kind stipulated for in their contracts can not be obtained from the Subsistence Department, or when absent with leave."

The Acting Commissary-General submits the propositions in the following form:

"As the form of contract by the Medical Department herewith assumes to bind the appropriations of the Subsistence Department for the payment of commutation of rations to members of the Army Nurse Corps, I recommend that the subject of such payments be referred to the Comptroller for decision upon the following points:

"1. No appropriation having been made in the appropriation acts for the support of the Army for paying commutation of rations to the members of the Army Nurse Corps, male and female (being civil employees), from funds of the Subsistence Department, can payment of commutation of rations be properly paid them from such funds for periods when stationed at places where the ration in kind stipulated for in their contracts can not be obtained from the Subsistence Department, or when absent on leave?

"2. If it be decided that they are to be paid commutation of rations by the Subsistence Department, at what rates are they to be allowed: (*a*) When stationed at places where the ration in kind can not be obtained from the Subsistence Department; (*b*) when absent on leave?

"3. Are those in receipt of more than $60 pay per month from the Medical Department entitled to commutation of rations; attention being invited to Army Regulations 1252, as amended by General Orders, No. 106, War Department, July 23, 1898, and to the fact that at every point where rations in kind can be obtained by issue from the Subsistence Department, subsistence stores can there be purchased by the civil employees of the Army under Army Regulations 1284, as amended by General Orders, No. 139, Headquarters of the Army, 1899? Of course such purchases are made from their pay proper."

A brief review of the laws relating to army nurses seems useful:

"Women may be employed, instead of soldiers, as nurses in general or permanent hospitals, at such times and in such numbers as the Surgeon-General, or the medical officer in charge of such hospital, may deem proper." (Sec. 1238, Rev. Stat.)

"Hospital matrons and nurses may be employed in post or regimental hospitals in such numbers as may be necessary." (Id., 1239.)

"Hospital matrons in post or regimental hospitals shall receive ten dollars a month, and female nurses in general hospitals shall receive forty cents a day. One ration in kind or by commutation shall be allowed to each." (Id., 1277.)

* * * "Hospital matrons and nurses employed in post or regimental hospitals shall be entitled to receive one ration daily." (Id., 1295.)

The next statute relating to army nurses is found in the deficiency act of July 7, 1898 (30 Stat., 703), as follows:

"For pay of three hundred civilian nurses at thirty dollars per month, during the six months beginning July first, eighteen hundred and ninety-eight, fifty-four thousand dollars.

"For the purchase of medical and hospital supplies, including * * * pay of employees, civilian nurses, * * * one hundred and fifty thousand dollars."

The urgent deficiency act of January 5, 1899 (30 Stat. L., 778), provides:

"For the purchase of medical and hospital supplies, including * * * pay of employees, including civilian nurses, * * * two million three hundred thousand dollars."

The deficiency act of March 3, 1899 (30 Stat. L., 1225), provides:

"For the purchase of medical and hospital supplies, including * * * pay of employees, including civilian nurses, * * * three hundred and fifty thousand dollars."

The army appropriation act for the year ending June 30, 1900, approved March 3, 1899 (30 Stat. L., 1072), provides, under the head of Medical Department:

"MEDICAL AND HOSPITAL DEPARTMENT: For the purchase of medical and hospital supplies, and all other necessary miscellaneous expenses for the Medical Department of the Army, one million five hundred thousand dollars."

The same act, page 1068, provides:

"SUBSISTENCE OF THE ARMY: Purchase of subsistence supplies: For issue as rations to troops, civil employees when entitled thereto, hospital matrons and nurses." * * *

The same paragraph and act provides for commutation of rations to enlisted men, but with no mention of hospital matrons or nurses.

The language of the appropriation for the Medical Department for the fiscal year 1901 is identical with that for 1900 except in the amount appropriated, and the language used in appropriating for the Subsistence Department for the year 1901 is identical with that used for 1900, so far as the matter under consideration is concerned.

It is from an examination of the law cited above and Army Regulations that we must determine what authority exists for the employment of nurses, male and female, their compensation (pay and allowances), and their right to commutation of rations.

The Acting Commissary-General raises the question whether section 1277, Revised Statutes, has been repealed or suspended by the later law quoted above. I find nothing in this later law which in any way conflicts with section 1277. That section stands intact, but it is not all the law relating to nurses. It seems clear that whenever female nurses are employed in general hospitals (except when employed as part of the 300 authorized by the act of July 7, 1898, supra), section 1277, Revised Statutes, fixes the measure of their allowances. This section expressly provides for commutation of the ration, no rate being mentioned.

Section 1295, Revised Statutes, provides that when nurses (without mentioning sex) are employed in post or regimental hospitals they shall be entitled to receive one ration daily. No provision is made therein for commutation.

From the foregoing it seems clear that we must look to sections 1238 and 1239, Revised Statutes, and to the act of May 26, 1900 (31 Stat. L., 215), for the authority to employ male and female nurses.

Section 1238, Revised Statutes, authorizes the employment of women as nurses in general or permanent hospitals, and section 1239 authorizes the employment of nurses (without mentioning sex) in post or regimental hospitals.

The act of May 26, 1900, supra, provides:

"For the purchase of medical and hospital supplies and all other necessary miscellaneous expenses for the Medical Department of the Army, two million dollars."

No doubt the employment of nurses would be a necessary miscellaneous expense of the Medical Department. The act of May 26, 1900, supra, does not attempt to fix the compensation of nurses. It is an appropriation of a lump sum from which nurses may be paid, but does not refer to or change the law then existing fixing the compensation and allowances of nurses where that had been done by preexisting law. In fixing the compensation of those nurses who are not subject to the provisions of sections 1277 and 1295, Revised Statutes, it is no doubt competent, if the regulations permit, to provide for the issuance of rations in kind or a commutation thereof at a specific rate per day. When furnished in kind the appropriation for the Subsistence Department, act of May 26, 1900 (31 Stat. L., 211), will bear the expense, provision therefor having been made in said act. This appropriation makes provision only for the regulation allowance for commutation of rations to enlisted men; therefore I am of opinion that such commutation as can properly be allowed nurses, under contract and regulations, is not payable from the subsistence appropriation, but is payable, as part of the pay, from the appropriation for the Medical and Hospital Department.

Undoubtedly those nurses employed under the authority of the law above cited are civilian employees, and those not provided for by sections 1277 and 1295, Revised Statutes, are subject to the restrictions found in paragraph 1252, Army Regulations, as modified by General Orders, No. 106, of 1898, which provide:

"When the rate of pay of a civilian employed with the Army does not exceed sixty dollars per month, and the circumstances of his service make it necessary, and the terms of his engagement provided for it, there may be *issued* to him one ration in kind per day." * * *

Paragraph 731, Army Regulations, provides:

"Those in receipt of a ration under paragraph 1252 will not be allowed commutation therefor."

Paragraph 1273, Army Regulations, provides:

"Commutation of rations will not be allowed * * * to civil employees."

Under paragraph 1252, Army Regulations, as amended, there appears to be no authority to contract with a nurse, except under section 1295, Revised Statutes, agreeing to furnish a ration in kind when the pay proper exceeds $60 per month; and under paragraphs 731 and 1273, Army Regulations, there is no authority to make an agreement with a nurse for commutation of rations, no matter what the pay agreed upon may be. This, however, has no relation to female nurses employed in general hospitals under section 1277, Revised Statutes, which provides for rations or commutation thereof.

The conclusions from the foregoing seem to be:

1. Female nurses may be employed in general or permanent hospitals (sec. 1238, Rev. Stat.), and when so employed they are entitled to receive one ration in kind, or a commutation thereof at the regulation rate. (Sec. 1277, Rev. Stat.)

2. Nurses, either male or female, may be employed in post or regimental hospitals (sec. 1239, Rev. Stat.), and when so employed they are entitled to receive the rate of pay agreed upon and one ration daily. (Sec. 1295, Rev. Stat.) No provision is made for commutation.

3. Under the act of May 26, 1900, supra, appropriating for the Medical Department, male nurses may be employed in general or permanent hospitals, and when so employed their rate of pay is subject to agreement or contract under Army Regulations. Their right to receive rations in kind is a matter of agreement, subject only to the limitations of Army Regulations. No commutation can be paid without a change of Army Regulations.

4. Nurses are civilian employees, and paragraph 1252, Army Regulations, prohibits the allowance of rations to any civil employee whose pay exceeds $60 per month. This regulation, however, can not be held to apply to female nurses employed in general hospitals (sec. 1277, Rev. Stat.) nor to male or female nurses employed in post or regimental hospitals. (Sec. 1295, Rev. Stat.)

5. Paragraphs 731 and 1273, Army Regulations, prohibits commutation of rations to all civilian employees, but these paragraphs can not be held to apply to female nurses employed in general hospitals. (Sec. 1277, Rev. Stat.)

6. When rations in kind are properly furnished the cost will fall on the Subsistence Department.

7. When commutation of rations is properly allowable under the law, or under agreement if regulations shall be modified to permit, the cost thereof must be regarded as an addition to the regular pay and chargeable to the appropriation used in paying the monthly compensation and paid on the same voucher, as indicated by the Judge-Advocate-General in his indorsement of July 30, 1900. The appropriation for subsistence of the Army makes no provision for commutation of rations to civil employees.

Respectfully,

L. P. MITCHELL, *Assistant Comptroller.*

(*A. R., 731, 1252 and 1273.*)

GENERAL ORDERS, No. 121.

HEADQUARTERS OF THE ARMY, ADJUTANT-GENERAL'S OFFICE, *Washington, September 11, 1900.*

By direction of the Secretary of War, paragraph 1330 of the Regulations is amended to read as follows:

1330. When the station of an officer, serving either with or without troops, is changed while he is on leave of absence, he will, on joining his new station, be entitled to mileage for the land travel and actual expenses for the sea travel, if any, as provided by existing laws, only for the excess of distance, from the place of receipt of his order to his new station, over the distance between that place and his old station.

GENERAL ORDERS, No. 122.

HEADQUARTERS OF THE ARMY, ADJUTANT-GENERAL'S OFFICE, *Washington, September 19, 1900.*

By direction of the Secretary of War, paragraph 1119 of the Regulations, as amended by General Orders, No. 7, January 14, 1899, General Orders,

No. 119, September 6, and Circulars Nos. 18 and 24, June 16 and July 24, 1900, respectively, from this office, is further amended to read as follows:

1119. The baggage to be transported at public expense, including mess chests and personal baggage, upon change of station, will not exceed the following weights:

Rank.	In the field.	Changing station.
	Pounds.	*Pounds.*
Major-general	1,000	3,500
Brigadier-general	700	2,800
Field officer	500	2,400
Captain	200	2,000
First lieutenant	150	1,700
Second lieutenant and veterinarians, first class	150	1,500
Acting assistant surgeon	150	1,200
Post and regimental noncommissioned staff officer, hospital steward, chief musician, sergeant of the Signal Corps, squadron and battalion sergeant-majors, and veterinarians, second class, each		500

For officers and others in the above list, when embarking under orders for extended service over the sea and for duty in Alaska, and upon change of station in Alaska and in places beyond the limits of the United States, as well as upon return to the United States, the allowance of baggage to be transported by the Quartermaster's Department from initial point to port of embarkation and from port of destination to garrison station will be three times the allowance prescribed above for change of station.

These allowances are in excess of the weights transported free of charge under the regular fares by public carriers. They may be reduced pro rata by the commanding officer, if necessary, and may, in special cases, be increased by the War Department on transports by water. Shipments of officers' allowance of baggage will in all cases be made at carrier's risk, including those over roads where tariffs provide for extra charge therefor.

GENERAL ORDERS, No. 124.

HEADQUARTERS OF THE ARMY, ADJUTANT-GENERAL'S OFFICE, *Washington, September 28, 1900.*

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II. By direction of the Acting Secretary of War, paragraph 462 of the Army Regulations is amended to read as follows:

462. The Artillery School at Fort Monroe, Va., constitutes an independent command, from which all reports and returns are made direct to the Headquarters of the Army. It is governed by special regulations.

GENERAL ORDERS, No. 125.

HEADQUARTERS OF THE ARMY, ADJUTANT-GENERAL'S OFFICE, *Washington, September 29, 1900.*

The following instructions are issued to the Army for the information and guidance of all concerned:

The absolute and unqualified devotion of those in the military service to the welfare of their country is an indispensable requisite and constitutes

the very soul of an efficient army. Hence patriotism will be inculcated and promoted in every possible way, and all persons in the military service will be expected and required to be informed, as far as possible, of the principles upon which our Government is founded, of the advantages and benefits enjoyed under the Constitution, and the responsibilities which it imposes upon them, as well as of the beneficent achievements which constitute our military history.

The national holidays will be celebrated with appropriate ceremonies, including the reading of the Declaration of Independence, Washington's Farewell Address, or the Constitution of the United States, and such other exercises as will tend to promote respect and reverence for the institutions of our country.

As the flag is the symbol of our nationality, it will be held in sacred regard and given every care and protection at all times.

The ceremony of "Escort of the colors" should be so conducted as to render it one of the most impressive to the soldier, especially to the young recruit, of all the functions in which he is required to participate. Proper salutes will be observed by all persons in the military service, not under arms, during the raising and lowering of the national emblem.

Good martial music contributes immeasurably to the contentment and welfare of troops and inspires in them a valiant and patriotic spirit, which is most essential; hence it will be encouraged, especially vocal music, which will include the singing of the national anthems and patriotic hymns and songs.

The playing of a national or patriotic air as a part of a medley is prohibited.

DISCIPLINE.

The vital importance of discipline must be fully understood by and impressed upon all in the military service. It is indispensable, can not be lightly regarded, and must be maintained under all circumstances.

Officers will always be exemplary in deportment and will exercise justice and impartiality and be considerate in their conduct toward all subordinates.

Cheerful, earnest, and loyal obedience will be promptly paid by all subordinates to the lawful orders of superiors.

Lax discipline destroys efficiency and produces demoralization in all branches of the service, and every act or influence that tends to produce it must be discouraged and prohibited.

INSTRUCTION, DRILLS, AND MANEUVERS.

The general system of instruction emanating from Headquarters of the Army will be uniformly followed throughout the different departments, susceptible of change only by the department commanders when conditions and circumstances render such change imperative.

Drills and military exercises, including calisthenics, will be made, as far as practicable, interesting, progressive, and varied, and so instructive that the commands will fully comprehend the objects to be accomplished.

Drills and maneuvers should be, as far as practicable, illustrative and simulatory of the circumstances and rapidly changing conditions of actual battle maneuvers.

Where practicable, the three arms of the service will be assembled for instruction in the maneuvers incident to the preliminary conditions of

battle, in the use of the three arms of the service in action, and in the proper disposition of the same following an engagement.

Military exercises should include frequent marches, occasionally of several consecutive days, during which all the conditions of marching in an enemy's country will be observed, and all important facts, such as the distance passed over, time occupied, the effect upon the troops, the serviceability of clothing, equipment, transportation, tentage, ammunition, etc., will be carefully noted and reported to superior authority.

All duties of the charater above referred to, either for instruction or for physical exercise, will be so regulated as to secure the best military results and at the same time attain to the finest physical condition and development of the commands.

All sports, amusements, and recreations that tend to preserve the health and assure the contentment of the troops, as well as to improve their physical excellence and mental attainments, will be encouraged.

While garrison duty is important for the purpose of discipline and instruction, ample time will be devoted to field exercises, for it should be remembered that efficient service in the field is the final object for which armies are maintained.

Military problems will be carefully and timely prepared for solution during important military drills and maneuvers.

NONCOMMISSIONED OFFICERS.

Careful attention will be given to the instruction and practical training of noncommissioned officers, as they are the exemplars of the enlisted force of the Army, and establish and maintain very largely its tone and character. They will be selected on account of their intelligence and general excellence in deportment, as well as for their soldierly appearance and efficiency in all military duties and exercises.

POST SCHOOLS AND LIBRARIES.

Great care will be taken to make the post schools interesting, instructive, and beneficial.

Special attention will be paid to having the men comprehend fully the character of our Government, the principles of the Constitution, the colonial history of this country, and its military and political history, together with the story of its progress and development.

Only well-selected literature will be allowed in the post libraries, and special attention will be given to the selection of books, magazines, and journals having a wholesome, moral tone and that are instructive and enlightening. All literature of a vicious nature will be excluded from the camp or garrison.

OFFICERS' LYCEUMS.

Military lyceums should be established where and whenever the exigencies of the service admit of sufficient time being devoted to them. They should be conducted in such manner as to bring out the best thought and information of the members voluntarily, rather than compulsorily, as it is believed that in this way the results obtained will be more beneficial and satisfactory.

Every person in the military service of the United States will pay the

deepest respect to the law of the land, whether local or national, and will so conduct himself among civilians by word and act as to bring credit upon the uniform he wears and mark himself as one of the law-abiding citizens of the Republic. (*See A. R., 230, 310, and 406.*)

GENERAL ORDERS, No. 126.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, October 4, 1900.

I. By direction of the Secretary of War, paragraph 1457 of the Regulations is amended to read as follows:

1457. When hospital care and treatment are required by an officer or enlisted man on duty with any command or detachment, and can not be had in any army hospital, the commanding officer may obtain the required service in a civil hospital, at rates not to exceed the usual local charges for like service to private patients, reporting his action without delay to the Surgeon-General. When the officer requiring treatment is on duty without troops, or the enlisted man is on duty where there is no officer, he may himself arrange for the required service, reporting his action, if practicable, to the Surgeon-General. Accounts for the care and treatment of sick officers and soldiers in civil hospitals will be sent to the Surgeon-General. The accounts will show the particular services charged for, e. g., medical attendance, medicines, nursing, lodging, and board, and will, when practicable, be itemized to show the separate charges under each head. Accounts for medical attendance, medicines, and nursing only may, if reasonable and just, be settled under the direction of the Surgeon-General. Accounts which include charges for lodging and board will be forwarded to the Auditor for the War Department for settlement and apportionment to the proper appropriations. If not itemized, a just apportionment is deemed to be one-half for medical attendance, medicines, and nursing; one-fourth for lodgings, and one-fourth for board. No charge for the board of an officer can be allowed.

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GENERAL ORDERS, No. 127.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE.
Washington, October 8, 1900.

I. By direction of the Secretary of War, paragraphs 970 and 971 of the Regulations are amended to read as follows:

970. Should a writ of habeas corpus issued by a State court or judge be served upon an army officer, commanding him to produce an enlisted man or general prisoner and show cause for his detention, the officer will decline to produce in court the body of the person named in the writ, but will make respectful return in writing to the effect that the man is a duly enlisted soldier of the United States or a general prisoner under sentence of court-martial, as the case may be, and that the Supreme Court of the United States has decided that a magistrate or court of a State has no jurisdiction in such a case.

971. A writ of habeas corpus issued by a United States court or judge

will be promptly obeyed. The person alleged to be illegally restrained of his liberty will be taken before the court from which the writ has issued and a return made setting forth the reasons for his restraint. The officer upon whom such a writ is served will at once report by telegraph the fact of such service direct to the Adjutant-General of the Army and to the commanding general of the department.

II. The following instructions in regard to returns under paragraphs 970 and 971, Army Regulations, in the cases of soldiers who have committed military offenses and are held for trial or punishment therefor and of general prisoners are published to the Army for the information and guidance of all concerned:

1. The return under paragraph 971, Army Regulations, will be made in accordance with Form A of this order, and will refer, as in last paragraph of that form, to the brief of authorities which follows the forms of this order, and a copy of that brief will be annexed to the return. Should the court order the discharge of the party, the officer making the return, or counsel, should note an appeal pending instructions from the War Department, and he will report to the Adjutant-General the action taken by the court and forward a copy of the opinion of the court as soon as it can be obtained.

2. The return under paragraph 970, Army Regulations, will be made in accordance with Form B of this order, but a copy of the brief of authorities is not intended to be attached to the return to writ of habeas corpus issuing from a State court.

FORM A.

HABEAS CORPUS BY UNITED STATES COURT.

RETURN TO WRIT.

In re ——— ———
(Name of party held.)

[Writ of habeas corpus—return of respondent.]

To the ——— ———
(Court or judge.)

The respondent, Major ——— ———, U. S. Infantry, upon whom has been served a writ of habeas corpus for the production of ——— ———, respectfully makes return and states that he holds the said ——— ——— by authority of the United States as a soldier in the United States Army (or "as a general prisoner under sentence of general court-martial") under the following circumstances:

That the said ——— ——— was duly enlisted as a soldier in the service of the United States at ———, ———, on ———, 1900, for a term of —— years. [If the offense is fraudulent enlistment this recital should be omitted.]

[Here state the offense. If it is fraudulent enlistment by representing himself to be of age, it may be stated as follows:]

That on the —— day of ———, 1900, at ———, ———, the said ——— ———, being then a minor, did fraudulently enlist in the military service of the United States for the term of —— years by falsely representing himself to be over twenty-one years of age, to wit: —— years and —— months; and has, since said enlistment, received pay and allowances (or either) thereunder.

[If the offense is desertion, it may be stated substantially as follows:]

That the said ——— ——— deserted said service at ———, ———, on ———, 1900, and remained absent in desertion until he was apprehended at ———, ———, on ———, 1900, by ——— ———, and was thereupon committed to the custody of the respondent as commanding officer of the post of ———, ———.

That said ——— ——— has been placed in confinement (or "arrest," as the case may be), charged with said offense, and formal charges against him therefor have been preferred, a copy of which is hereto annexed (or "are being prepared"), and that he will be brought to trial thereon as soon as practicable before a court-martial to be convened by the commanding

general of the Department of —— (or "convened by Special Orders, No. ——, dated Headquarters, Department of ——, 1900, a copy of which order is hereto annexed").

[If the party held is a general prisoner, the following paragraph should be substituted for the preceding paragraph:]

That the said —— —— was duly arraigned for said offense before a general court-martial, convened by Special Orders, No. ——, dated Headquarters, Department of ——, 1900, was convicted thereof by said court, and was sentenced to be —— ——, which sentence was duly approved on the —— day of ——, 1900, by the officer ordering the court (or "by the officer commanding said Department of —— for the time being"), as required by the 104th article of war. A copy of the order promulgating said sentence is hereto attached.

In obedience, however, to the said writ of habeas corpus the respondent herewith produces before the court the body of the said —— ——, respectfully refers to the decisions cited in the annexed brief, and for the reasons set forth in this return prays this honorable court to dismiss the said writ.

—— ——,
Major, —— *U. S. Infantry.*

Dated —— ——,
—— ——, 1900.

FORM B.

HABEAS CORPUS BY STATE COURT.

RETURN TO WRIT.

[Make return as in case of writ by a United States court, except as to last paragraph, for which substitute as follows:]

And said respondent further makes return that he has not produced the body of the said —— ——, because he holds him by authority of the United States as above set forth, and that (this court or your honor, as the case may be) is without jurisdiction in the premises, and he respectfully refers to the decisions of the Supreme Court of the United States in Ableman *v.* Booth (21 Howard, 506) and Tarble's case (13 Wallace, 397) as authority for his action, and prays (this court or your honor) to dismiss the writ.

—— ——,
Major, —— *U. S. Infantry.*

Dated —— ——,
—— ——, 1900.

Brief to be filed with return to a writ of habeas corpus issued by United States court in case of a soldier whose discharge is sought under section 1117, Revised Statutes.

If a minor 16 years old or over claims to be 21 years of age or over and enlists without the consent required by section 1117, Revised Statutes, the contract of enlistment is not voidable by the minor, nor by his parents or guardian, if at the time of the filing of the petition the soldier is held in pursuance of a sentence of a court-martial, or any step has been taken with a view to bringing him before such court.

1. CONTRACT NOT VOIDABLE BY MINOR.

(*a*) *When soldier is not in confinement.*—United States ex rel. Wagner *v.* Gibbon, 24 Federal Reporter, 135. In this case Wagner, becoming "tired of the service," sought his discharge from the Army "solely on the ground of minority at the time of enlistment." This the court refused to grant, holding that section 1117, Revised Statutes, "was made for the exclusive benefit of parents and guardians," and that, quoting from the syllabus—

A minor over 16 years of age, who at the time of his enlistment makes affidavit that he is 21 years of age, will not, on his own application, be released on habeas corpus on the ground that he was a minor at the time of his enlistment, and that the written consent of his guardian was not obtained.

(*b*) *When soldier is in confinement.*—In re Morrissey, 137 United States, 157; in re Grimley, 137 United States, 147; in re Wall, 8 Federal Reporter, 85; in re Davison, 21 Federal Reporter, 618; in re Zimmerman, 30 Federal Reporter, 176; in re Hearn, 32 Federal Reporter, 141; in re Spencer, 40 Federal Reporter, 149; in re Lawler, 40 Federal Reporter, 233; Solomon *v.* Davenport, 87 Federal Reporter, 318.

In the Morrissey case the Supreme Court of the United States settles this beyond question. Morrissey, a minor of 17 years of age, enlisted without the consent of his mother, who was living. He deserted, remained in concealment until he reached his majority, and then presented himself before a recruiting officer and demanded his discharge from the Army on the ground that he was a minor when enlisted. The court said that the provision of section 1117, Revised Statutes—

> is for the benefit of the parent or guardian, * * * but it gives no privilege to the minor. * * * An enlistment is not a contract only, but effects a change of status. It is not, therefore, like an ordinary contract, voidable by the infant. * * * The contract of enlistment was good so far as the petitioner is concerned. He was not only de facto, but de jure, a soldier—amenable to military jurisdiction.

All the cases cited are instructive as illustrative of the different circumstances under which this principle has been declared.

In the Lawler case the deserter was arrested and—

> held as such awaiting trial, which will be as soon as a court-martial can be convened and organized for that purpose.

In the case of Solomon *v.* Davenport, the deserter was held by a sheriff under a warrant of United States Commissioner.

In the Spencer case the court said:

> The authorities which have been read to me seem to establish very conclusively this rule—that the enlistment of a minor is voidable, not necessarily void; and that he does really become by such enlistment, although under age, engaged in the service of the United States, and subject to the power and jurisdiction of the military authorities; and, such being the case, the court-martial had jurisdiction to arrest and try him for the charge of desertion.

2. CONTRACT NOT VOIDABLE BY PARENTS OR GUARDIANS IF THE SOLDIER IS HELD PURSUANT TO A SENTENCE OF A COURT-MARTIAL OR ANY STEP HAS BEEN TAKEN WITH A VIEW TO BRINGING HIM BEFORE SUCH COURT.

In re Kaufman, 41 Federal Reporter, 876; in re Dohrendorf, et al., 40 Federal Reporter, 148; in re Cosenow, 37 Federal Reporter, 668; in re Dowd, 90 Federal Reporter, 718; ex parte Anderson, 16 Iowa, 595; McConologue's Case, 107 Massachusetts, 170.

In the Kaufman case, the father sought the discharge of his son, who was held by the military authorities and had been ordered before a military court for trial as a deserter. Quoting from the syllabus—

> A minor who enlists in the United States Army upon his representation that he is of age, and receives pay and clothing and afterwards deserts and is arrested as a deserter, and at the time of his petition is held by the United States awaiting trial by a court-martial for the crime of desertion, will not be released under a writ of habeas corpus upon the ground that being a minor his enlistment was unlawful and contrary to the Revised Statutes of the United States.

In the Cosenow case the minor swore that he was 21 years and 7 months old at the time of enlistment. He deserted, and at the time of the filing of the petition was held in custody awaiting the action of the reviewing authority on the proceedings of the court-martial. His father sought the

discharge of his son on the ground of infancy at the time of enlistment. The court refused to discharge him, holding that "an enlistment contrary to law is not void, but voidable;" that the court-martial had jurisdiction of the offense, and the soldier "must be remanded to await the result of his trial."

The Dowd case arose on the application of the mother for the release of her son, who was held under sentence of a summary court. The court held, quoting from the syllabus—

The enlistment of a minor in the Army without the consent of his parents or guardian, required by Revised Statutes, section 1117, is not void, but voidable only, and while he remains in the service under such enlistment the minor is amenable to the articles of war, and can not be remanded to the custody of his parents by a civil court on a writ of habeas corpus while undergoing a sentence imposed on him by a court-martial for a violation of such articles.

In the Anderson case it appears that a minor enlisted without his father's consent, and being held for trial before a court-martial for desertion, his father sought his discharge on habeas corpus. The court refused to discharge the soldier, saying "he must abide by the decision of the latter court (court-martial) before the question of the validity of his enlistment can be determined in the civil courts on habeas corpus."

In McConologue's case the court said—

A minor's contract of enlistment is indeed voidable only and not void, and if, before a writ of habeas corpus is sued out to avoid it, he is arrested on charges of desertion, he should not be released by the court while proceedings for his trial by the military authorities are pending.

Under the custom of the service the parents or guardians of a minor who enlists without their consent can obtain his discharge upon application to the Secretary of War, prior to the commission of a military offense. Their rights under section 1117, Revised Statutes, are thus sufficiently protected; but when the minor has committed a military offense the interests of the public in the administration of justice are paramount to the right of the parent, and require that the soldier shall abide the consequences of his offense before the right to his discharge be passed upon. (Dig. Opin. J. A. G., 389-390.)

The soldier should not be allowed to escape punishment for his offense, even though his parents assert their right to his services. A minor in civil life is liable to punishment for a crime or misdemeanor, even though his confinement may interfere with the rights of his parents.

GENERAL ORDERS, No. 129.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, October 24, 1900.

By direction of the Secretary of War, paragraph 1539, Army Regulations, is amended to read as follows:

1539. Noncommissioned officers and first-class privates of the Signal Corps will be enlisted and may be mustered, at the discretion of the Chief Signal Officer of the Army, in the class for which they are competent and in which there is a vacancy. They will be promoted and reduced in the class of their grade, as fixed by law, by the Chief Signal Officer of the Army or by his authority.

GENERAL ORDERS, No. 134.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE.
Washington, November 15, 1900.

* * * * *

II. By direction of the Acting Secretary of War, paragraph 954 of the Regulations is amended to read as follows:

954. Every court-martial shall keep a complete and accurate record of its proceedings, which will be authenticated in each case by the signatures of the president and judge-advocate. Whenever, by reason of the death or disability of the judge-advocate occurring after the court has decided on the sentence, the record can not be authenticated by his signature it must show that it has been formally approved by the court, and must be authenticated by the signature of the president. The judge-advocate should affix his signature to each day's proceedings.

GENERAL ORDERS, No. 138.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, December 11, 1900.

By direction of the Secretary of War, the following Executive order is published for the information and guidance of all concerned:

EXECUTIVE MANSION, *December 7, 1900.*

Whenever, upon marches, guards, or in quarters, different corps of the Army happen to join or do duty together, and an officer of the Marine Corps, or the militia, shall command the whole, pursuant to the one hundred and twenty-second article of war, such officer shall report his action and the operations of the force under his command through military channels to the Secretary of War, as well as to his superiors in his own branch of the service.

(*Art. War, 122.*) WILLIAM MCKINLEY.

GENERAL ORDERS, No. 140.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, December 19, 1900.

By direction of the Secretary of War, paragraphs 1186 and 1189 of the Regulations are revoked and paragraphs 1190 ahd 1191 are amended to read as follows:

1190. Whenever the necessity for the issue is certified by the post commander, arctic overshoes, fur gauntlets and caps, and woolen mittens, conforming to patterns in the office of the Quartermaster-General, will be issued at cost prices at the rate of one pair of overshoes, gauntlets, and mittens, and one cap to each enlisted man per annum. These articles do not form part of the annual money allowance for clothing.

Canvas mittens and blanket-lined canvas caps, conforming to patterns in the office of the Quartermaster-General, will be supplied to troops serving in extremely cold regions and to troops stationed at Westpoint, N. Y., when the necessity for such issue is certified by the post commander, at the rate of one pair of mittens and one cap per man per annum. The voucher will show that this issue is gratuitous and made within the above allowance. Issues in excess of such allowance will be charged to the men at regulation prices. In case of loss or destruction of any of said articles of gratuitous issue without fault or neglect on the part of the soldier to whom

they have been intrusted, and so certified to by the immediate commanding officer, then the article or articles so lost or destroyed may be replaced without charge to the soldier.

1191. There will also be issued to troops stationed in extremely cold regions, when the necessity for such issue is certified by the post commander, fur or blanket-lined canvas overcoats, but only to men performing guard duty or field service, when exposure to weather would jeopardize life or limbs by freezing. The coats should be borne on the returns as equipage and charged to enlisted men only in case of loss or damage other than from ordinary wear and tear. If made of fur, they will on the approach of warm weather be turned over to the quartermaster, who will observe the following directions for their preservation:

1. Expose them to the sun and then beat them with a light twig or rattan, making sure that all moth eggs, should any have been deposited, are destroyed. The exposure should be thorough and the beating vigorous, but not severe enough to injure the fur or pelt.

2. Repair coats needing it (using for the purpose, as far as practicable, such articles of a corresponding character as can not be again rendered serviceable) and then pack them in boxes well lined with petroleum and wrapping paper (the latter being next the goods), exercising care that no holes or other openings are left in the wrappers for moths to enter. Securely nail the boxes and paste paper over all joints. Sufficient petroleum paper may usually be obtained from broken packages of clothing opened for issue, and should it be dry from age or use, it can be freshened by rubbing into the surface coal oil, being careful not to use enough to penetrate the wrapping paper.

CIRCULAR, No. 11.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, November 1, 1895.

The following decision has been made, and is published to the Army for the information of all concerned:

PERMISSION TO HUNT; RESTRICTION AS TO PERIODS OF ABSENCE.—Permission to hunt, under paragraph 58 of the Regulations, may be granted by department and post commanders for periods not exceeding those for which they are authorized to grant ordinary leaves of absence. (*A. R. 58 and 363.*)

CIRCULAR, No. 12.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, November 21, 1895.

By direction of the Acting Secretary of War, Circulars dated June 29 and July 13, 1895, from this office, relating to the use of penalty envelopes are hereby revoked, and the following is published in lieu thereof for the information and guidance of all concerned:

Under the act of July 5, 1884, all officers of the United States have the right to use the official envelope for the transmission of mail matter upon official business exclusively, whether corresponding with the Executive Departments or with other officials, or with private parties exclusively on official business. Hence United States recruiting officers are authorized to use

the official envelope in sending out circulars and writing letters giving information with regard to the enlisting of recruits, and also in answering letters they have received on the subject, and also in writing to private individuals asking information in regard to the character of parties about to be enlisted as recruits. For this latter purpose they may inclose an official envelope addressed to themselves, to be used by the individual returning them the information asked.

* * * * * * *

I am of the opinion that officers in charge of "post canteens" have not the right to use the official envelope for any correspondence whatever concerning the business of such canteens. My reason for so holding is that such correspondence can not be held to be "official" correspondence. * * * It seems to me, therefore, that the entire expense of managing these canteens should be borne by the companies, including the expense for postage necessary to carry on their correspondence. It is not "official business" in the sense of the statute, such as would authorize the use of the official envelope.—[*Extracts from opinion of Assistant Attorney-General for the Post-Office Department, dated August 10, 1895.*]

* * * officers in charge of the post canteens at military posts * * * have not the right to use the official envelope in ordering merchandise for sale over the counters of the canteen nor for sending samples of hardware and clothing to any private person.—[*Extract from opinion of Acting Assistant Attorney-General for the Post-Office Department.*]

Persons, not officers, writing to the Departments or to officers of the United States concerning the business of the writers with the Government can not use the penalty envelope to transmit their correspondence; hence officers authorized to use such envelopes should not furnish them for use to contractors with the Government.—[*Postal Laws and Regulations, section 369, par. 2.*]

The statement of an account in regular form and the execution of vouchers to cover the payment of it is "official information" within the meaning of the act of July 5, 1884, when in response to an "official" call therefor. The ruling of the Post-Office Department, as published in Paragraph XI, Circular No. 13, Adjutant-General's Office, December 5, 1891, is not in conflict with the foregoing paragraph of Postal Laws and Regulations.

Information which is intended to be used in the performance of official duty only is official information, while that which is intended to be used for the furtherance of private ends or business in any way whatever, though called for by a public officer, is private information. The official envelope may be used to give or obtain the former, but not the latter. (*A. R. 325 and 813.*)

CIRCULAR, No. 13.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, December 5, 1895.

The following decisions, rulings, etc., have been made, and are published to the Army for the information of all concerned.

1. TRANSFERS AND ASSIGNMENTS OF CLAIMS.—The restrictions of the Comptroller of the Treasury in regard to the allowance of credits to disbursing officers for payments made by them on powers of attorney or other forms of transfer or assignment being so great as to amount practically to a prohibition of such payments, disbursing officers will refuse to pay the assignee of any claim, except as to assignments authorized by paragraphs 1300 and 1388 of the Army Regulations of 1895.

When claims or vouchers which have been assigned are presented for payment the holders will be informed that disbursing officers have no authority to make payments to them as assignees, and that payments can only be made to the original persons to whom the money is due.

2. PUBLIC PROPERTY.—The officer responsible for public property fur-

nished to him on memorandum receipts and holding the same for the use of his command, will sign the certificate on the inventory of unserviceable property when presented for the action of an inspector, and the word "responsible" in the heading of the inventory and inspection report will, in that event, be changed to "accountable." (*A. R. 878.*)

3. REENLISTMENTS UNDER A. R. 838 OF 1895.—Soldiers discharged pursuant to General Orders, No. 80, A. G. O., 1890, or A. R. 144 or 145 of 1895, may be again enlisted after the expiration of two months from the date of discharge, without further authority, provided they fulfill all requirements; but they must not be reenlisted within the period indicated without special authority from the Adjutant-General..

4. CHARGES ON MUSTER ROLLS.—General Orders, No. 15, March 21, 1895, from this office, directing that all property supplied by the Quartermaster's Department be denominated "quartermaster's supplies" in returns, receipts, etc., is not intended to apply to charges against enlisted men on muster rolls.

Under paragraph 1390 of the Regulations, articles of camp and garrison equipage must be charged on the muster rolls as such; and other articles of quartermaster's stores or property must be enumerated, and the price stated in the column of "remarks," in order that the proper appropriation may be credited with the amounts collected.

CIRCULAR, No. 2.

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, October 11, 1895.

The following form for guaranty to accompany proposals of bidders is adopted for use in place of the form now in use, and is published for the information of all concerned.

FORM NO. ——.

GUARANTY TO ACCOMPANY PROPOSAL.

We,———, of———, in the county of———and State of———, and———, of———, in the county of———and State of———, hereby undertake that if the bid of———, herewith accompanying, dated———, 189—, for furnishing——— be accepted as to any or all of the items of supplies, materials, and services proposed to be furnished thereby, or as to any portion of the same, within sixty days from the date of the opening of proposals therefor, the said bidder—, ———, will, within——— days after notice of such acceptance, enter into a contract with the proper officer of the United States to furnish such articles of supplies and materials and such services of those proposed to be furnished by said bid as shall be accepted, at the prices offered by said bid and in accordance with the terms and conditions of the advertisement inviting said proposals, and will give bond with good and sufficient sureties for the faithful and proper fulfillment of such contract. And we bind ourselves, our heirs, executors, and administrators, jointly and severally, to pay to the United States, in case the said bidder—shall fail to enter into such contract or give such bond within———days after said notice of acceptance, the difference in money between the amount of the bid of said bidder on the articles or services so accepted and the

amount for which the proper officer of the United States may contract with another party to furnish said articles and services, if the latter amount be in excess of the former.

Given under our hands and seals this —— day of ——, eighteen hundred and ninety——.

In presence of—

—— —— as to —— ——[1]

—— —— as to —— ——[1]

State of ——
County of —— } ss:

I, ——, one of the guarantors named in the foregoing guaranty, do swear that I am pecuniarily worth the sum of —— dollars over and above all my debts and liabilities.

—— ——

Subscribed and sworn to before me this —— day of ——, 189—, at ——.

—— ——[2]

State of ——
County of —— } ss:

I, ——, one of the guarantors named in the foregoing guaranty, do swear that I am pecuniarily worth the sum of —— dollars over and above all my debts and liabilities.

—— ——

Subscribed and sworn to before me this —— day of ——, 189—, at ——.[2]

—— ——

I,[3] ——, do hereby certify that —— and ——, the guarantor above named, —— personally known to me, and that, to the best of my knowledge and belief, ——[4] is pecuniarily worth, over and above all his debts and liabilities, the sum stated in the accompanying affidavit subscribed by him.

—— ——

I, ——, do hereby certify that ——, the guarantor above named, is personally known to me, and that, to the best of my knowledge and belief, he is pecuniarily worth, over and above all his debts and liabilities, the sum stated in the accompanying affidavit subscribed by him.

—— ——

(A. R. 533.)

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[1] Affix adhesive seal.

[2] The oath to be taken before a notary public or some other officer having general authority to administer oaths. If the officer has an official seal it must be affixed, otherwise the proper certificate as to his official character must be furnished.

[3] This certificate to be by a judge or clerk of a United States court, a United States district attorney, United States commissioner, or a judge or clerk of a State court of record with the seal of said court attached. If the official can make the certificate as to both sureties, it will not be necessary to fill out the next form below.

[4] He or each.

CIRCULAR, No. 3.

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, November 12, 1895.

RECRUITING SERVICE.

The following instructions are published to govern under the Army Regulations of 1895. They will take effect December 1, 1895.

1. Under A. R. 854, there will be only one recruiting officer for the line of the Army at any post, including recruit rendezvous, or with a detachment of troops absent from its permanent station. *All* enlistments and reenlistments made for the line, including the Battalion of Engineers, by such officers and by recruiting officers detailed under the provisions of A. R. 819, pertain to the general recruiting service.

2. The special recruiting service so far as regards the line of the Army relates to enlistments or reenlistments away from posts by recruiting officers detailed by regimental commanders under the provisions of A. R. 856, for their own regiments only.

3. One enlistment paper only will be made in the case of a soldier enlisted or reenlisted for the line.

4. All enlistments and reenlistments for the line will be accounted for to the Adjutant-General of the Army on forms furnished by him for the purpose (A. R. 833), as follows:

(*a*) The recruiting officer at every general recruiting station, including each garrisoned military post, will render to the Adjutant-General of the Army a trimonthly report, on Form No. 37, Adjutant-General's Office, September, 1895, of all enlistments and reenlistments for the line made by him during the trimonthly period, accompanied by the enlistment paper of each man enlisted or reenlisted; and at the end of each month he will forward directly to the same officer a monthly return of all such enlistments and reenlistments, by name, on Form No. 33, Adjutant-General's Office, October, 1895.

The recruiting officer will indorse on the enlistment paper of every general-service recruit (in red ink at top of second fold) the arm of service for which the soldier was enlisted, *i. e.*, either foot service, white; mounted service, white; foot service, colored; or mounted service, colored.

(*b*) Special regimental recruiting officers (A. R. 856) will, in like manner, render trimonthly reports to the Adjutant-General of the Army on Form No. 29, Adjutant-General's Office, accompanied by each special regimental enlistment paper, and send a copy of each report to the regimental commander. Their monthly returns will be rendered on Form No. 34, Adjutant-General's Office, *to the regimental commander*, who will furnish to the Adjutant-General of the Army a monthly recruiting return of his regiment on Form No. 32. Adjutant-General's Office, accounting thereon for the special regimental enlistments by name. Special regimental recruiting officers when recruiting also for the general service will, in addition, render the required reports and returns of general-service enlistments. (*a*)

(*c*) These reports and returns will be rendered whether enlistments have been made, or not. Each trimonthly report, with the enlistment papers pertaining therto, will be mailed in an envelope containing no other matter.

(*d*) At recruit rendezvous all enlistments and reenlistments for the line

will be accounted for on the rendezvous trimonthly report (Form No. 36, Adjutant-General's Office), as well as on the station trimonthly report (Form No. 37, Adjutant-General's Office).

5. When authority is given by the Adjutant-General of the Army for the enlistment of an applicant by a general recruiting officer for a particular company or regiment, the soldier will be sent without escort to his proper station, at the earliest practicable date. A soldier enlisted at one post for an organization at another post in the same department, under the provisions of A. R. 855, will be sent to his proper station, without delay, under orders from the department commander. In every case the soldier will be borne on the trimonthly reports of the recruiting station as a general-service recruit until the date of his departure therefrom, and the assignment shall take effect on such date (A. R. 849).

6. Detachments of recruits sent from stations to rendezvous, or from stations and rendezvous to regiments, will be forwarded without escort, unless otherwise specially directed by the Adjutant-General of the Army. Each detachment will be forwarded under charge of the most reliable man included therein, and the services of former solders will be utilized for this purpose whenever practicable.

7. The reenlistment paper of a sergeant of the post noncommissioned staff required to be sent to the Adjutant-General of the Army by A. R. 103 will be mailed immediately upon the reenlistment of the soldier. The reenlistment will be accounted for by name only, at the foot of the monthly recruiting return of the officer who makes the reenlistment.

8. Enlistments or reenlistments for a staff department when made, under proper authority, by officers recruiting for the line, will not be included in their reports and returns to the Adjutant-General of the Army, but will be accounted for in accordance with the regulations and instructions governing enlistments for the particular staff department concerned.

CIRCULAR. No. 4.

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, December 9, 1895.

The following letter is published for the information of chiefs of bureaus, designated depositaries of public funds for the War Department, and officers of the Army handling public money:

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, D. C., November 15, 1895.

The honorable the SECRETARY OF WAR.

SIR: It frequently happens that there is not sufficient information on the face of certificates issued for deposits in the Treasury made by officers of the War Department to determine whether a personal credit should be given the depositor. As the information is necessary before covering the amounts thereof into the Treasury by warrant, I will thank you to cause it to be furnished hereafter by the several bureaus of your Department, in brief form, after naming the appropriation, on the backs of all certificates which may be sent each day from this to your office for indorsement.

Respectfully, yours,

C. S. HAMLIN,
Acting Secretary.

When a disbursing officer makes a deposit of public funds he will inform the depositary whether such funds are to go to his personal credit or not. If the officer has been directly charged with the money, he is entitled to per-

sonal credit for the deposit, and the abbreviation "P. C." should be written by the depositary on the *face* of the certificate. If the funds are derived from sales of public property, from collections of funds for which another officer is responsible, or any source except the Treasury, the officer making the deposit is not entitled to personal credit, and the abbreviation "No P. C." should be used, followed by a brief explanation of the character of the funds. If some disbursing officer other than the depositor is entitled to the credit, the designation should be "P. C. to ———," naming the officer who has been directly charged with the money.

If the space on the *face* of a certificate is not sufficient to explain the nature of a deposit, the depositary is requested to use a memorandum slip for this purpose. Disbursing officers will not use letters of transmittal in forwarding certificates of deposit.

Nothing should be written by the depositary or the officer on the *back* of a certificate; that space must be reserved for the indorsement of the chief of bureau, who, in each instance, will properly designate the title of the appropriation, invariably giving the information, by abbreviation, whether the depositor is entitled to personal credit or not.

Chiefs of bureaus will not permit certificates of deposit to be returned to the Treasury Department unless such evidences of the character of the funds are complete in this respect, and where any defect exists that can not be remedied in the bureau, the certificate should be promptly returned to the officer for correction or additional information.

Designated depositaries are earnestly requested to adhere strictly to the foregoing instructions, and disbursing officers of the War Department are directed to see that they are properly observed.

Attention is invited to paragraphs 608 to 616, inclusive, Army Regulations, 1895. (*A. R., 592 and 608 to 616.*)

CIRCULAR, No. 1.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, January 2, 1896.

The following decisions, rulings, etc., have been made, and are published to the Army for the information of all concerned:

1. OFFICERS ON STAFF OF A POST COMMANDER.—The official address of the senior medical officer at a post will be—

THE SURGEON,
FORT ———,

and in like manner the official addresses of the other staff officers of a post will be, respectively, The Adjutant, The Quartermaster, The Commissary, The Engineer Officer, The Ordnance Officer, and The Signal Officer, Fort———. (*A. R., 203.*)

2. CHARGES ENTERED AGAINST ENLISTED MEN ON THE MUSTER AND PAY ROLLS, UNDER THE HEAD OF SUBSISTENCE.—The basis of all charges entered against enlisted men under the head of subsistence on muster and pay rolls will be shown by concise notations in the column of remarks. If the amount stopped is on account of sales on credit under A. R. 1285 and 1289, the notation will be "credit sales, Subsistence Department;" if on account of refundment of commutation, the notation will be "refundment of commutation, subsistence Army, 189-;" if on account of difference in cost of rations issued, the notation will be "increased cost of rations, subsistence

Army, 189-;" giving such year of appropriation in each case as the subsistence officer who requests the notation to be made shall indicate. If the charge consists of two or more stoppages, the amount of each must be separately shown. Commissaries who may request stoppages to be made will furnish company commanders with full statements of the facts connected with the stoppages, and will give them the proper notations to be made in the column of remarks. Paymasters in making transfers to disbursing commissaries under A. R. 1290, will include in the invoice (Form No. 3, Subsistence Department) not only the collections on account of credit sales, but all other collections which are to be credited to the appropriation "Subsistence of the Army" which is available for the fiscal year current at the time the transfer is made, observing with particularity the directions printed in the headings of the invoice, which require that a collection other than credit sales shall be entered in the name of the individual from whom the collection was made, giving the notation which appears upon the pay rolls. They will deposit to the credit of the Treasurer of the United States all collections which pertain to an appropriation "Subsistence of the Army" for a fiscal year which has expired. (*A. R., 1285, 1289, and 1290.*)

3. COMPANY CLOTHING BOOKS.—Until the present supply of company clothing books shall have been exhausted, the name of the issuing quartermaster and signature of the soldier, required by paragraphs 1178 and 1180 of the Regulations of 1895, will be entered in the column of remarks. (*A. R. 1178 and 1180.*)

4. CERTIFICATES OF DISABILITY.—In cases of discharge of enlisted men on surgeon's certificate of disability, the certificate of the surgeon will be filled out in his own handwriting, as contemplated in the printed instructions on the blank form provided. (*A. R., 141.*)

CIRCULAR, No. 2.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, February 6, 1896.

The following decisions, rulings, etc., have been made, and are published to the Army for the information of all concerned:

1. SERVICE EXCLUSIVE OF FURLOUGH UNDER A. R. 30.—Referring to paragraph 30, A. R., the phrase "exclusive of technical service due to furlough or other absence from duty in his own interest" will not apply to leave of absence or furlough granted to an enlisted man during the first two years of enlistment not exceeding fifteen days in all, nor to such longer furlough as is now authorized by paragraph 107, A. R., in a case which may be determined by competent authority to be extraordinary. (*A. R., 30 and 107.*)

2. MEDICAL AND HOSPITAL ATTENDANCE, AND MEDICINE FOR CIVILIAN EMPLOYEES IN POST EXCHANGES.—Civilians employed in post exchanges are held to be entitled to the privileges of medical and hospital attendance and purchase of medicines allowed civilian employees under A. R. 1444, 1445, 1447, and 1450. (*A. R., 325.*)

3. FIREARMS FOR MEMBERS OF THE HOSPITAL CORPS.—When detailed for service in the field during Indian wars, or when left with the sick or wounded under circumstances which justify the expectation that their rights as noncombatants, under the Geneva convention, will not be recognized, commanding officers will issue to members of the Hospital Corps revolvers or other available firearms. With these exceptions, no side arms will be issued to members of the Hospital Corps. (*A. R., 1405.*)

4. TRANSPORTATION FOR GYMNASTIC AND ATHLETIC APPLIANCES.—The Quartermaster's Department is authorized to transport gymnastic and athletic appliances, purchased with regimental or company funds, for the use of the troops, from the nearest market to the post or station of the troops. (*A. R., 312 and 325.*)

CIRCULAR, No. 3.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, March 4, 1896.

The following decision is published to the Army for the information of all concerned:

HONEST AND FAITHFUL SERVICE UNDER A. R. 148.—A. R. 148 will be considered as qualifying A. R. 1369 to the extent that if, after due notice to a soldier of the character intended to be given him on his discharge, and that the words "service not honest and faithful" would be noted on his final statements, the soldier declines to apply for redress in the manner provided for in A. R. 148, his status is the same as though a board of officers had been convened and found the service not honest and faithful.

The remark "service not honest and faithful" will not be noted on final statements under A. R. 148 unless it can be shown that the soldier has expressly waived his right to apply for redress, or that the remark is the approved finding of a board of officers convened as provided in that paragraph, except in cases involving desertion during the term of enlistment, where the character of the service as unfaithful, so far as relates to forfeiture of retained pay, is determined by the act of June 16, 1890.

Following the remark on final statements, "service not honest and faithful," should appear the words "right to apply for redress expressly waived," or, "approved finding of a board of officers," as the case may be.

In the absence of the conditions above set forth, the soldier is entitled to the remark on his final statements, "service honest and faithful."

CIRCULAR, No. 4.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, March 16, 1896.

The instructions from this office of November 12, 1885, which accompanied the distribution of the present book form of muster roll in that year are not generally observed. The Secretary of War therefore republishes them for the information and guidance of all concerned, as follows:

1. The roll for this office will be folded evenly in three folds, with the brief on the outside. It will not be folded or creased to fit an envelope, but will be mailed in an envelope of the proper size, or in a wrapper made especially for the purpose.

2. Company commanders will economize space by close writing and utilizing every line. If additional space be found absolutely necessary, the roll will be enlarged, *before using*, by stitching into the middle of it an extra sheet from another roll. Pieces of paper will under no circumstances be attached to the roll.

3. The instructions on the first leaf will be carefully read and implicitly followed, to the end that the existing extensive correspondence between this office and company commanders in the matter of corrections may be reduced to the lowest limit. (*A. R., 784.*)

CIRCULAR, No. 5.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, April 4, 1896.

The following decisions, rulings, etc., have been made, and are published to the Army for the information of all concerned:

1. CLOTHING FOR GENERAL PRISONERS.—Under paragraph 1193 of the Regulations, the issue, to general prisoners employed at outdoor labor in severe weather at military posts, of such overcoats, overshoes, woolen mittens, and flannel shirts as, in the judgment of the department commander, may be necessary to prevent suffering, is authorized. (*A. R., 1193.*)

2. THE WORK OF MOUNTING HEAVY GUNS, MORTARS, OR CARRIAGES IN FORTIFICATIONS.—The work of mounting heavy guns, mortars, or carriages in fortifications will, as a rule, be done by the artillery troops. This course will be followed habitually in all garrisoned fortifications which are neither in whole nor in part under the control of the engineers.

When guns, etc., are to be mounted in a garrisoned fortification or in an ungarrisoned work upon a military reservation under the control of an artillery commander, these works being still in whole or in part under the control of the engineers, the engineer officer in charge of construction will, after consulting with the artillery commander, decide whether the mounting shall be done under his own direction and by the use of the machinery and labor of the Engineer Department, or under the direction of the artillery commander and by the labor of the troops. The former course will be followed whenever it is so desired by the Engineer Department as being necessary to prevent interference with other work of construction upon the fortification, and the artillery commander will afford the engineer officer in charge, and upon the latter's request, all possible assistance by the loan of machinery and by details from his command. In like manner, when the work is done under the direction of the artillery commander, the engineer officer in charge will, with the approval of the Chief of Engineers, afford him whatever assistance may be practicable.

In fortifications other than those above mentioned the engineer officer may himself conduct the work of mounting the guns, etc., using his own machinery and labor and, if necessary, the aid of materials and details from convenient artillery commands, which will be given on application to the department commander, or, if the engineer officer so request, the department commander will direct that the work be done entirely by the artillery troops.

If it be decided that the guns, etc., shall be mounted under the direction of the artillery commander, the latter will designate the most competent

officer of his command to conduct the work, and this officer will confer from time to time with the engineer officer with a view to so conducting it as not to interfere with the engineer work on the fortifications. If, in his judgment, it be necessary, the commanding officer will apply to the department commander for the detail of an artillery officer from another command to conduct the work, and if such officer be not available he will request the services of an ordnance officer for that purpose.

"Mechanical maneuvers" will not be practiced with the new ordnance material, but will be confined to the old guns and carriages. (*A. R., 348.*)

3. LAMPS FOR SIGNAL CORPS SERGEANTS.—Sergeants of the Signal Corps, when not serving in a detachment, will be provided a lamp with a single burner by the Quartermaster's Department, the same as is provided for members of the noncommissioned staff under paragraph 1013 of the Regulations. (*A. R., 1013.*)

CIRCULAR, No. 6.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, May 2, 1896.

The following decisions, rulings, etc., have been made, and are published to the Army for the information of all concerned:

1. LAMPS FOR HOSPITAL STEWARDS, VETERINARY SURGEONS, AND CHIEF MUSICIANS.—Hospital stewards, veterinary surgeons, and chief musicians will each be provided, by the Quartermaster's Department, with a lamp with a single burner, the same as is now provided for members of the noncommissioned staff under paragraph 1013 of the Regulations. (*A. R., 1014.*)

2. GENERAL-SERVICE RECRUITING OFFICERS AT POSTS, A. R. 854.—During any temporary absence of the regular recruiting officer at a post, an officer of the garrison should be designated by the post commander to perform the duties of the recruiting officer and to render the necessary reports and returns without delay. See paragraph 4, (a) and (c), Circular No. 3, A. G. O., November 12, 1895.

3. EXTRA DUTY UNDER A. R. 164.—The term "increased compensation" refers to compensation from the United States and not from private parties, or the exchange. Enlisted men, therefore, employed in the post exchange will be reported on special duty.

CIRCULAR, No. 7.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, June 4, 1896.

The following decisions, rulings, etc., have been made, and are published to the Army for the information of all concerned:

1. DISCHARGE OF ENLISTED MEN BY PURCHASE.—If an enlisted man deposits money with the company or post commander, the same to be applied for purchase of his discharge, the officer will immediately upon receipt of order for discharge of the man forward the money to a paymaster for deposit under A. R. 1371, and send to the Paymaster-General the usual notification of deposit (Form 16, A. G. O.). On return of the deposit book by the paymaster, the final statements can be completed by notation of the

deposit thereon, thus showing on their face the total credit of the soldier.—(*A. R. 144.*)

2. OUTLINE FIGURE CARDS.—The outline figure cards of recruits who have been examined by a citizen physician at a city recruiting station, as provided for by Circular Letter Recruiting Service, War Department, Adjutant-General's Office, May 25, 1896, and forwarded to regiment, rendezvous, or post, will be made out by the medical officer who makes the examination called for by A. R. 843.

The cards for recruits who may be assigned to duty at the recruiting station, or who may be discharged there from the service by reason of physical disability or other cause, will be prepared by the recruiting officer.

CIRCULAR, No. 8.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, September 1, 1896.

The following decisions, rulings, etc., have been made, and are published to the Army for the information of all concerned:

* * * * * * *

2. PAYMENT OF CITIZEN TAILORS.—The provision of paragraph 263 of the Regulations which directs company commanders to cause to be deducted from the pay of enlisted men and turned over to the proper party the amount properly due for making, repairing, and altering uniforms will be construed as applying to civilian tailors as well as to enlisted tailors. (*A. R., 263.*)

3. PAYMENTS OF ENLISTED MEN UNDER A. R. 1348 AND GENERAL ORDERS, No. 31, ADJUTANT-GENERAL'S OFFICE, 1896.—When companies or detachments of troops are absent from their stations for an indefinite period, and funds for their payment can not be sent by express, the rolls will be held and not sent to the paymaster until the troops reach some point to which it is practicable to send funds. When a command can be mustered and the rolls completed and duly signed by the men, they can be sent to the paymaster to be made out and held by him until notified where and when the command can be paid. In cases where the rolls have been sent to the paymaster and the troops are sent away from their station before the receipt of funds for their payment, post commanders will not hold the money at their discretion, but will return the rolls and the money to the paymaster unless payment can be made within a reasonable time, not exceeding three days.

4. ILLUMINATING SUPPLIES UNDER PARAGRAPH 1012, A. R.—No volatile oils except those authorized and supplied by the supply departments will be used at military posts without the authority of the commanding general of the department in which the post is located.

CIRCULAR, No. 9.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, November 11, 1896.

The following decision is published to the Army for the information of all concerned:

APPOINTMENT AS LANCE CORPORAL UNDER A. R. 257.—Only one renewal

of the appointment of lance corporal for a period of three months is authorized, and on the expiration of this period there can be no further renewal, either immediately, or after an interval of time.

In view of this decision, it will be observed that no stigma attaches to a return to the ranks at the expiration of the authorized time, and when a vacancy in the grade of corporal occurs it should be filled by the appointment of that private who when serving as lance corporal made the best record and is deemed best fitted for the promotion.

CIRCULAR, No. 10.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, December 21, 1896.

The following decisions, rulings, etc., have been made, and are published to the Army for the information of all concerned:

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2. SENTENCE OF CONFINEMENT OF GENERAL PRISONERS.—Where a soldier while undergoing sentence of confinement imposed without dishonorable discharge was tried for a further offense and sentenced to dishonorable discharge and confinement, it was held by the Secretary of War, June 20, 1879, that upon the date of his dishonorable discharge the period of confinement under his prior sentence will terminate, leaving to be executed only the confinement imposed by the second sentence. (*A. R. 944 and 945.*)

CIRCULAR, No. 11.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, December 26, 1896.

By direction of the Secretary of War, the following is published for the information and guidance of all concerned:

The presence of a commissary-sergeant at a post does not in any manner relieve the commissary from responsibility for the care of subsistence supplies.

Commanding officers of posts, according to their responsibilities and duties as fixed and prescribed by A. R. 658, and A. R. 1231, are to carefully supervise the duties of commissaries at their respective posts and not to permit them to devolve their duties in any degree upon the commissary-sergeants.

In cases of losses and embezzlements of subsistence stores or property, boards of survey, in their proceedings and recommendations, are to be guided by the requirements of A. R. 710.

CIRCULAR, No. 1.

HEADQUARTERS OF THE ARMY
ADJUTANT-GENERAL'S OFFICE,
Washington, January 7, 1897.

The following decisions, rulings, etc., have been made, and are published to the Army for the information of all concerned:

1. CLAIMS FOR LOSS OF PRIVATE PROPERTY UNDER THE ACT OF MARCH 3, 1885.—In the case of applications for reimbursement for loss of private

property under the act of March 3, 1885, paragraph 723 of the Regulations, and General Orders, No. 35, August 11, 1896, from this office, all personal property for the loss or destruction of which payment is claimed must be enumerated and described in the proceedings of the board of survey; but the finding of the board will recommend payment for only such articles as, in the opinion of the board, were reasonable, useful, necessary, and proper for the claimant to have in the public service in the line of duty.

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CIRCULAR, No. 2.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, January 14, 1897.

By direction of the Secretary of War, the following instructions are published for the information and guidance of all concerned:

The large estimates for material for repairs in water and sewer systems indicate a very general lack of proper care in the use of appliances, particularly in the items of fixtures and hose.

Garden hose will not be dragged over the ground, but rolled up and carried from place to place, and, when not in use, will be kept out of the sun; fire hose will be used only for the purpose for which it is supplied, and its use at fire drills will be as restricted as is consistent with efficient training. After use it will be cleaned and dried as thoroughly as circumstances and the appliances at hand will permit, carefully reeled and properly sheltered.

Hereafter every requisition for earthenware plumbing fixtures, circulating boilers, etc., to replace those broken or worn out, and for material to repair damage caused by frost, will be accompanied by the detailed statement of the officer in charge of the building where the damage occurred, showing the nature, extent, and cause of such damage, and the commanding officer will state, by indorsement thereon, the action taken by him under paragraph 977, Army Regulations.

CIRCULAR, No. 3.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, February 2, 1897.

The following decision is published to the Army for the information of all concerned:

PAY ROLLS.—Muster and pay rolls, Forms No. 17 (1, 2, 3, and 4-sheet), Adjutant-General's Office, will be discontinued, and blank forms of pay rolls (1, 2, 3, and 4-sheet) will hereafter be furnished by the Paymaster-General of the Army. Article LXVI, Army Regulations, is amended accordingly. (*A. R., 784.*)

CIRCULAR, No. 4.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, March 1, 1897.

The following decisions, rulings, etc., have been made, and are published to the Army for the information of all concerned:

1. SHIPPING ALLOWANCE OF AN OFFICER'S BAGGAGE UNDER A. R., 1118.—In view of a practice that has herotofore obtained among officers when

changing stations of shipping their regulation allowance of baggage in connection with other personal property—which practice seems to have been sanctioned by a decision of the Second Comptroller dated July 21, 1893, attention is particularly directed to the provisions of paragraph 1118, A. R., of 1895, which reads as follows:

1118. In changing station an officer's authorized allowance of baggage will be turned over to a quartermaster for transportation as freight by ordinary freight lines unless otherwise ordered by the department commander or higher authority. No reimbursement will be made to an officer who, under such circumstances, sends packages by express or ships and pays for the transportation of his baggage.

In a decision dated January 23, 1897, the Comptroller of the Treasury holds that no reimbursement can be made of amounts paid by officers, upon change of station, for shipment of the regulation allowance of personal property which they are entitled to carry at public expense (the same having been shipped with their excess personal property which was not to be transported by the United States), except upon a specific waiver of A. R. 1118 by the Secretary of War in each case.

Hereafter the provisions of paragraph 1118 will not be waived except in extraordinary cases, which should be submitted to the Secretary of War for approval in advance of the shipment.

2. BACHELOR QUARTERS.—The Secretary of War approves the recommendation of the Major-General Commanding and the Quartermaster-General that where bachelor officers' quarters are provided at a military post it is proper and necessary that they be assigned to officers without families. (*A. R., 984.*)

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4. GENERAL PRISONERS.—The donation of $5 to each "dishonorably discharged prisoner upon his release from confinement," provided for in the army appropriation act, may be paid to prisoners dishonorably discharged under court-martial sentences, although such sentences do not award terms of confinement; but the citizens' outer clothing provided for in said act can not, under the law, be furnished to prisoners who have not served terms of confinement under such sentences. (*A. R., 152 and 914.*)

CIRCULAR, No. 5.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, March 17, 1897.

The following instructions for the preparation of pay rolls having been approved by the Secretary of War are published for the information and guidance of all concerned:

The column "Year of continuous service" in the pay rolls (new form) is intended to show the actual year in which the soldier is serving, not the number of years' service which have been completed by the soldier, as has appeared on many of the rolls sent to paymasters. For instance, a soldier entitled to $2 per month for five years' continuous service was borne as "5;" $3 per month for ten years was borne as "10;" $4 per month for fifteen years' service was borne as "15," when it should have been apparent that said sums could be due only in the sixth to tenth inclusive, eleventh to fifteenth inclusive, and sixteenth to twentieth years inclusive, respectively: Therefore,

1. The actual year of service (first, second, third, and so on, as the case may be) must in all cases be stated in the column referred to.

2. A soldier entitled to $2 per month for certificate of merit, or one entitled to "reenlisted pay," should be so borne in the column of "Remarks," and when the "reenlisted" soldier becomes entitled to $2 per month for five years' continuous service, the date on which the same becomes due should be stated in the column of "Remarks," and continued therein until the soldier shall have been once paid by a paymaster, and on rolls thereafter he should appear in the column "Year of continuous service" as "6."

3. In all cases where the rate of pay changes, the date on which the increased rate becomes due should be stated in the column of "Remarks," and continued therein until the soldier shall have been paid for the period which includes such increase, after which the figure indicating the year of service should appear in the appropriate column. (*A. R., 784.*)

CIRCULAR, No. 6.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, April 1, 1897.

The following decisions, rulings, etc., have been made, and are published to the Army for the information of all concerned:

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2. GENERAL COURTS-MARTIAL.—In the proceedings of general courts-martial, the sentence, "To be dishonorably discharged from the service of the United States, forfeiting all pay and allowances," has the same meaning as though the words "due him" were added after the word "allowances." (*A. R., 148, 152, and 945.*)

CIRCULAR, No. 8.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, April 27, 1897.

The following decisions, rulings, etc., have been made and are published to the Army for the information of all concerned:

TRANSPORTATION TO OFFICERS TRAVELING WITHOUT TROOPS.—In view of the opinion of the Comptroller of the Treasury of March 31, 1897, as to the effect of the provisions of the act making appropriations for the support of the Army for the year ending June 30, 1898, respecting mileage and transportation, the Quartermaster's Department will hereafter furnish transportation in kind to officers of the Army traveling on public duty without troops, over all transportation lines, and the cost thereof, prior to July 1, 1897, but not thereafter, will be a charge against the appropriation for mileage. (*A. R., 1321.*)

CIRCULAR, No. 11.

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, June 3, 1897.

The following decisions, rulings, etc., have been made and are published to the Army for the information of all concerned:

1. TRANSPORTATION OF BOOKS UNDER A. R. 1122.—The Secretary of War decides that standard works of fiction are to be included among those

allowed in A. R. 1122, provided the officer making requisition for the transportation certify that they belong to and are used by him.

2. EVIDENCE OF PREVIOUS CONVICTIONS.—General courts-martial will consider only such evidence of previous convictions of prisoners as is referred to them by the convening authorities. (*A. R., 929, 934.*)

3. COMMUTATION OF RATIONS OF MILITARY PRISONER TRAVELING UNDER GUARD.—The receipt of the *prisoner* for the money provided for his subsistence is not necessary. The receipt should be given, as required by paragraph 1272 of the Regulations, by the person to whose charge the prisoner is committed by the order.

CIRCULAR, No. 14.

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, July 7, 1897.

The following is published for the information of all concerned:

WAR DEPARTMENT, *February 18, 1897.*

MEMORANDUM.

Under the joint resolution of Congress, approved May 2, 1896, a medal of honor ribbon of the new pattern, and a bowknot to be worn in lieu of the medal, will be issued to any person, applying therefor, to whom the medal has heretofore been awarded. Whenever new ribbons thus issued shall have been lost, destroyed, or rendered unfit for use, without fault or neglect on the part of the persons to whom they were issued, other ribbons may be issued to replace them, but the joint resolution of May 2, 1896, does not authorize a similar replacement of bowknots that may have been lost, destroyed, or rendered unfit for use, and in no case will more than one bowknot be issued to or for any one person.

Except in the case of an applicant whose identity is clearly established by correspondence or other records on file in the Department, neither the ribbon nor the bowknot will be issued to any applicant therefor until he shall have furnished evidence of his identity, such evidence to be the sworn statement of at least two reputable persons who can testify that they have been personally acquainted with the applicant for at least five years, and that they know him to be the person that he represents himself to be.

A new ribbon will not be issued to any person within one year from the date of issue to him of a ribbon of the new pattern, except upon the sworn testimony of two or more reputable persons to the effect that the ribbon previously issued was lost, destroyed, or rendered unfit for use, without fault or neglect on the part of the person to whom it was issued; and similar testimony will be required in any case, regardless of the date of issue of the original ribbon, in which there shall be any reason to doubt that such ribbon was lost, destroyed, or rendered unfit for use without fault or neglect on the part of the person to whom it was issued.

The Adjutant-General of the Army will issue the ribbons and bowknots to those to whom the medal has been awarded for distinguished conduct as members of the Regular Army, and the chief of the Record and Pension Office will issue them to those to whom the medal has been awarded for similar conduct as members of the Volunteer Army. The supply of ribbons and bowknots will be divided between the Adjutant-General's Office and Record and Pension Office in the proportion in which medals have been issued to members or ex-members of the Regular and Volunteer armies, respectively. An exact account of all ribbons and bowknots that may be issued will be kept, and such measures will be adopted for the preservation and custody of those on hand as will prevent the possibility of any of them coming into the possession of persons not entitled to receive them.

DANIEL S. LAMONT,
Secretary of War.

WAR DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, February 18, 1897.

MESSRS. TIFFANY AND COMPANY,
New York, N. Y.

GENTLEMEN: Referring to your letter of the 5th instant, relative to the ribbon for the Medal of Honor, and the bowknot to be worn in lieu of the medal, I have the honor to advise you as follows in reply to your several inquiries:

It is desired that you furnish the ribbon, heretofore ordered, in pieces two and one-half

inches in length, put up in sealed packages, each of which shall contain exactly one hundred pieces.

While the Department is authorized by the joint resolution approved May 2, 1896, to issue a new ribbon to replace any ribbon previously issued under the provisions of that resolution, which shall have been lost, destroyed, or rendered unfit for use, without fault or neglect on the part of the person to whom it was issued, it is probable that many wearers of the medal will prefer to procure new ribbons by purchase rather than to make application to the Department for a gratuitous issue of them. In view of this probability, it is considered desirable that you should keep a supply of the ribbon on hand, for sale to those who may be entitled to wear it, and who may desire to purchase it, provided that you will adopt such rules as will restrict its sale to those who are entitled to wear it.

The Department has authority under the law to issue to each recipient of the medal a single bowknot to be worn in lieu of the medal, but it has no authority to issue knots to take the place of those that may have been lost, destroyed, or rendered unfit for use. There will undoubtedly be a large demand for the knots owing to the fact that, being constantly worn, it will be necessary to replace them very frequently. It is considered desirable, therefore, that you should keep a supply of the knots on hand, their sale being subject to the same restrictions as those which should govern the sale of the ribbon.

It is suggested that the sale of both the ribbon and the bowknot should be rigidly restricted to those who present evidence of their right to wear them, *such evidence to be either the exhibition of the medal itself, of a certificate of membership in the Medal of Honor Legion, or of an official statement from this Department that a medal has been awarded.* The Medal of Honor Legion may desire to make a special arrangements with you for supplying its members with the ribbon and the knot, and, with this end in view, it is suggested that it may be advisable for you to correspond with the officials of that association. But it should be observed that there are many recipients of the medal who are not members of the Medal of Honor Legion, and for whom, consequently, that association can not properly make any rules or arrangements. The sale of the ribbon or the knot to such persons should not be refused, provided they can produce evidence of their right to wear them, such evidence to be either the exhibition of the medal itself or of a statement from this Department to the effect that a medal has been awarded. Should you be in doubt at any time as to the right of any particular individual to wear the medal, the ribbon, or knot, the Department will, upon your application, promptly advise you as to the facts in the case.

Very respectfully,

DANIEL S. LAMONT,
Secretary of War.

(*A. R., 1551, and Art. XXV, A. R.*)

CIRCULAR LETTER.

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, July 16, 1897.

The following decisions are published for the information of all concerned:

REGIMENTAL AND OTHER BANDS.

Regimental and other bands and the musicians composing the same may, with the consent of the proper military authority, engage to play for other parties at prices not disproportionately lower than the price charged by other bands or musicians for similar services.—(*Cir. No. 8, Hdqrs. Army, A. G. O., Sept. 10, 1885.*)

"The subject of allowing bands to play for outside parties has been agitated on several occasions at different places. * * * It is important that we have some military bands, and if we have them of course it is important that we should have good ones, and it has been found impossible to maintain good military bands without giving the members an opportunity to go outside and earn some money. The small sum paid by the Government to these musicians as enlisted men is not sufficient

to secure first-class musicians. Great care is always taken not to allow them to get a job by underbidding other bands. Upon principle, the Department is not able to see why a military band is not as important and why it does not possess as many rights as a civilian band."

"Circular No. 8 from the Headquarters of the Army, series of 1885, provides as follows:

> Regimental and other bands, and the musicians composing the same, may, with the consent of the proper military authority, engaged to play for other parties at prices not disproportionately lower than the prices charged by other bands or musicians for similar services.

"This arrangement is made in favor of the musicians of the Army, as their pay from the United States, even with this help, is below that earned by civilian musicians of the same class. It is also in favor of the general public."

The foregoing contain the rule and practice of the Department. (*A. R.*, *245.*)

CIRCULAR, No. 15.

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, July 24, 1897.

The following decisions, rulings, etc., have been made and are published to the Army for the information of all concerned:

1. FIRST-CLASS GUNNER'S INSIGNIA.—The first-class gunner's insignia prescribed by General Orders, No. 41, September 4, 1896, Headquarters of the Army, Adjutant-General's Office, will be worn upon the right sleeve of the dress coat, blouse, and overcoat.

2. ARTILLERY BADGES.—The gunner's badge is a bronze disk, the size of a silver half-dollar, pendent from a trunnion of a miniature bronze cannon with pin fastening. On the upper semicircle of the face of the disk are the words "U. S. Artillery," and the circle is completed by thirteen stars. A gunner's quadrant is in the center.

Gunnery specialists of Class A are the competitors at the battery competitions who have been found proficient in "Communications," as set forth in Paragraph IV, General Orders, No. 41, September 4, 1896, Headquarters of the Army, Adjutant-General's Office. Gunnery specialists of Class B are those found proficient in the "Use of meteorological instruments and range table work." Full gunnery specialists are those found proficient in all the subjects covered by both classes A and B.

The three badges for gunnery specialists are of the same size and have the same fastenings, letters, and stars as the gunner's badge, but are of silver.

The center of Class A badge has the telegraph key and batteries; Class B, the wind cups and anemometer; and that of the full gunnery specialist, a combination of the telegraph key, wind cups, and anemometer.

These badges are worn upon the dress coat, the blouse, and the overcoat in the position prescribed in paragraph 1551, Army Regulations.

The badges are now ready for issue by the Ordnance Department, and will be supplied upon proper requisition. (*A. R.*, *1551.*)

CIRCULAR, No. 17.

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, August 12, 1897.

The following decisions, rulings, etc., have been made, and are published to the Army for the information of all concerned:

1. REIMBURSEMENT OF COST OF TRANSPORTATION.—An officer availing himself of leave of absence pending change of station, whose case falls under paragraph 1331 of the Regulations, and who is so located as to make it impracticable to obtain transportation in kind from the Quartermaster's Department, may, if he desires, join his new station without procuring transportation thereto from the Quartermaster's Department, and be reimbursed by that department the amount it would have cost the Government to transport him from his old to his new station, upon his certificate that he paid his travel fare to his new station. (*A. R., 1331.*)

2. FINAL STATEMENTS.—When a soldier is discharged from an enlistment during which he completed five years' continuous service, the following notation will be placed on final statements by the officer issuing the same:

Completed five years' continuous service ——— 189—; had ——— years ——— months prior service.

(*A. R., 148.*)

CIRCULAR, No. 18.

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, September 2, 1897.

The following decision is published to the Army for the information of all concerned:

CHECKS.—Paragraph 3, Circular, No. 10, Adjutant-General's Office, October 9, 1895, reads as follows:

> Officers, serving in and disbursing funds appertaining to more than one staff department, will, in issuing checks, confine the designation of their official capacity to their rank and the particular staff department to which the check drawn may belong.

The provisions of this circular are still in force and will be strictly observed. (*A. R., 606.*)

CIRCULAR, No. 20.

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, October 1, 1897.

The following decisions, rulings, etc., have been made, and are published to the Army for the information of all concerned:

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2. PROMOTION OF ENLISTED MEN.—No enlisted man will be promoted after his application for retirement has left the post for action of the War Department. (*A. R., 135.*)

CIRCULAR, No. 26.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, December 8, 1897.

The following decision is published to the Army for the information of all concerned:

OILING GUN STOCKS.—The prohibition in paragraph 276 of the Regula-

tions of attempts to beautify or change the finish of arms in the hands of enlisted men is not construed as forbidding the application of raw linseed oil to the wood parts of the arm. This oil is considered necessary for the preservation of the wood, and it may be used for such polishing as can be given by rubbing in one or more coats when necessary. The use of raw linseed oil only will be allowed for redressing, and the application for such purpose of any kind of wax or varnish, including heelball, is strictly prohibited.

CIRCULAR, No. 27.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, December 28, 1897.

The following decisions, rulings, etc., have been made and are published to the Army for the information of all concerned:

1. CHARGE FOR AFFIDAVITS.—It is not necessary in making affidavits in support of vouchers filed with the accounts and returns of disbursing officers of the Army that they be taken *in duplicate* when an extra expense to the United States is incurred thereby; a certified copy being sufficient for file with the officer's retained papers, reference being made to paragraph 683 of the Regulations. (*A. R., 683.*)

2. DISCHARGE OF ENLISTED MEN.—When enlisted men are discharged at summer camps, temporary stations in the field, or other remote points, the exact location of the place of discharge and the distance thence to the nearest known railway station, town, or military post will be stated on the final statements to enable the paymasters to properly compute travel allowances. (*A. R., 140 and 148.*)

3. GENERAL COURTS-MARTIAL.—In order to facilitate business before general courts-martial, the reading of previous proceedings and of testimony for approval will be dispensed with, unless for special reason considered necessary by the court, or a witness desires to have certain testimony read for correction. (*A. R., 954.*)

4. EFFECTS OF DECEASED SOLDIERS AND DESERTERS.—Officers charged with the care of the effects of deceased soldiers are required to deliver the same, or the proceeds thereof, to the legal representatives of the deceased (127th Art. of War). If the effects are not claimed within thirty days they are to be sold by a council of administration and the proceeds of the sale deposited with a paymaster (A. R., 159). The accounts of deceased soldiers are settled by the Auditor for the War Department, and the following is the relative order of heirship adopted by the Treasury Department, viz: (1) widow, (2) children in equal share, (3) father, (4) mother, (5) brothers and sisters in equal share. Officers are advised that in the cases of single men it is a safe rule to dispose of the effects as prescribed in A. R., 159, and leave the responsibility of determining the *heirship* to the Treasury Department.

The personal effects of a deserter should be disposed of as in the case of *unclaimed* effects of deceased soldiers (A. R., 130), *i. e.*, they are to be sold by a council of administration and the proceeds of the sale deposited with a paymaster. Money received from a paymaster for a soldier who deserts after signing the pay rolls will be turned over *at once* to a paymaster as undrawn forfeited pay.

The paymaster's receipt for the money deposited as above should clearly

specify the nature of the deposit—*i. e.*, whether for the proceeds of sale of effects, or whether for the undrawn pay of a soldier who has deserted—and the officer responsible should furnish the paymaster with the necessary information.

There is no authority for officers to pay the debts of deceased soldiers or deserters.

Money or other valuables found upon an apprehended deserter are his personal property, and should not be turned over to a paymaster. (*A. R., 130, 159, and 161.*)

CIRCULAR, No. 3.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, March 1, 1898.

The following decisions, rulings, etc., have been made and are published to the Army for the information of all concerned:

CONDEMNED PUBLIC ANIMALS.—The retention in the service of cavalry or artillery horses which have been condemned by an inspector as no longer fit for cavalry or artillery service, for the purpose of mounting members of the Hospital Corps when on duty in the field and of furnishing horses for officers of infantry when temporarily acting as field officers, or for use as draft animals, is in violation of paragraph 1037 of the Regulations and will not be permitted.

Provision is made in paragraph 1421 of the Regulations for furnishing horses to members of the Hospital Corps for field service.

There is no authority of law for supplying horses to mount officers of infantry when temporarily acting as field officers. (*A. R., 878, 1037, and 1421.*)

CIRCULAR, No. 5.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, March 14, 1898.

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2. SALES TO OFFICERS ON THE RETIRED LIST.—The provisions of paragraph 1020 of the Regulations, respecting sales to officers, by the Quartermaster's Department, of oil, lamps, wicks, and chimneys, are construed to apply to retired officers of the Army.

CIRCULAR, No. 9.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, April 30, 1898.

The following decision has been made and is published to the Army for the information of all concerned:

MAINTENANCE OF VOLUNTEER RECRUITS.—The time between enrollment and muster into United States service, referred to in General Orders, No. 26, current series, from this office, as the interval during which the United States will provide for the maintenance of volunteer recruits can not ordinarily, under paragraph 824, Army Regulations, exceed six days.

CIRCULAR, No. 10.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, May 3, 1898.

The following decisions, rulings, etc., have been made and are published to the Army for the information of all concerned:

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2. TRANSFERS OF FUNDS.—The transfer of public funds from the credit of one United States disbursing officer to another by means of a United States disbursing officer's check (A. R., 594) is permissible *only* on the books of the *same* office or bank. Transfers of funds pertaining to the military service from one office or bank to another office or bank should be made only by the Secretary of the Treasury, upon the recommendation of the Secretary of War, and then only to like credit—not from one disbursing officer to another.

A balance of appropriation to the credit of a disbursing officer which is no longer needed for disbursement by him, but which it is desired shall be placed to the credit of another officer in a distant depository, should be deposited by the first-mentioned officer to the credit of the Treasurer of the United States, as a repayment to the appropriation, and a requisition should be made by the Secretary of War for the placing by the Treasury Department of an equivalent amount to the credit of the other officer in the distant depository.

3. FORFEITURE OF PAY AND ALLOWANCES.—By the third subdivision of Article III of the Executive Order of March 30, 1898, published in General Orders, No. 16, A. G. O., 1898, it is provided that, in consideration of previous convictions, the limit of punishment shall be "dishonorable discharge, forfeiture of all pay and allowances, and confinement at hard labor for three months." Such a sentence means, so far as the forfeiture of pay and allowances is concerned, forfeiture of pay and allowances due at the date of the discharge. A court-martial, when it has the power to award this sentence, may award a lesser one, but in doing so can not award confinement and forfeiture greater in amount than confinement for three months and forfeiture of pay due, with such substitution as the court-martial may see fit to make under Article VII of the Executive Order of March 30, 1898. (*A. R., 951.*)

CIRCULAR, No. 15.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, June 4, 1898.

I. The following decisions, rulings, etc., have been made, and are published to the Army for the information of all concerned:

1. EXTRA-DUTY PAY.—The provisions of section 6 of the act approved April 26, 1898 (General Orders, No. 29, Adjutant-General's Office, April 29, 1898), abolishing extra-duty pay in time of war, applies to enlisted men in every department of the Army, and, as war existed when the act was passed, enlisted men ceased to be entitled to extra-duty pay upon the date of its approval. (*A. R., 165.*)

2. BATTALION COMMANDERS.—As the command of a regiment, in the absence of field officers, by force of law passes directly to the senior captain on duty therewith, it is deemed proper that the permanent command

of battalions should be vested in the senior officers of the regiment present, next in rank to the regimental commander. (*A. R.*, *226.*)

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CIRCULAR, No. 19.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, June 16, 1898.

By direction of the Secretary of War, the following is published for the information and guidance of all concerned:

The terms of paragraph 2, Circular 5, Headquarters of the Army, Adjutant-General's Office, April 4, 1896, are modified as follows:

When gun carriages and guns are to be assembled or mounted in seacoast fortifications, they shall be subject to the inspection of an officer of the Ordnance Department both during process of erection and after its completion, in order to insure that all parts are correctly assembled and in proper working order. Such officer of the Ordnance Department shall, under instructions from the Chief of Ordnance, take all measures necessary including, if deemed desirable, the firing of the piece, to give assurance of the perfect serviceability of the armament before it shall be turned over for use.

When engineer or artillery officers are about to commence work of erection herein referred to, they will notify the Chief of Ordnance, who will, if in his opinion it is necessary, designate an officer to place himself in communication with the engineer or artillery officer, with a view to being present at the proper time and with proper assistance and appliances for the performance of the duty hereby devolved upon him.

Installed armament shall be subject at any time to the inspection of ordnance officers, to be designated by the Chief of Ordnance, to see that it is in efficient condition for use, and to place it in such condition if it shall not be so. Department commanders will instruct commanding officers to furnish such assistance as may be necessary to carry out the inspections and to perform necessary work on the armament. (*A. R.*, *348.*)

CIRCULAR, No. 20.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, June 20, 1898.

The following decisions have been made and are published to the Army for the information of all concerned:

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2. RANK OF COMMISSIONED OFFICERS, U. S. VOLUNTEER ARMY.—The Secretary of War decides that relative rank as between officers of the same grade commissioned by the governor of a State or Territory, is to be determined according to date of muster into United States service, and that when such officers have commissions bearing the same date, and were mustered in the same date, their relative rank will be determined, first, by previous length of service in the United States Army, Regular or Volunteer, or Marine Corps, under commission; and, secondly, in the absence of any such service, by lot. (*A. R.*, *11.*)

CIRCULAR, No. 21.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, June 30, 1898.

I. The following decision has been made and is published to the Army for the information of all concerned:

DETAIL OF OFFICERS OF THE REGULAR ARMY ON COURTS-MARTIAL FOR THE TRIAL OF VOLUNTEERS.—As the act "To provide for temporarily increasing the military establishment of the United States Army in time of war," approved April 22, 1898, declares that the Army of the United States in time of war shall consist of both the Regular Army and the Volunteer Army, it can not be held that the Volunteer Army is, with reference to the Regular Army, "other forces" within the meaning of the Seventy-seventh Article of War, but regular officers may now sit on courts-martial for the trial of volunteer officers or soldiers.

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CIRCULAR, No. 22.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, July 8, 1898.

The following decisions have been made and are published to the Army for the information of all concerned:

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5. REPORTERS.—The Secretary of War authorizes the employment of enlisted men as reporters of general courts-martial without extra expense to the United States. (*A. R., 958.*)

CIRCULAR, No. 23.

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, July 15, 1898.

The decision published in paragraph IV, Circular No. 12, November 7, 1891, from Headquarters of the Army, is amended to read as follows:

IV. OATHS OF OFFICE; ARMY OFFICERS.—Under sections 1756 and 1758, Revised Statutes, and section 4 of the act of Congress approved July 27, 1892, oaths of office of Army officers should be taken before some officer who is authorized by the laws of the United States or the local municipal law to administer oaths; before a judge-advocate of a department or a court-martial, or the trial officer of a summary court. Officers of the Army other than those specified are not authorized by law to administer such oaths. (*A. R., 683.*)

CIRCULAR, No. 24.

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, July 16, 1898.

The following decision has been made and is published to the Army for the information of all concerned:

COLORS OF ENGINEERS.—The national color of a regiment of engineers

shall be the same as described in paragraphs 215 and 220 of the Regulations, with the following exceptions:

1. The inscriptions upon the national color in the center stripe shall be: (1st) Regiment U. S. Volunteer Engineers.

2. A similar inscription shall be placed upon the regimental color below the castle.

CIRCULAR, No. 30.

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, August 9, 1898.

The following decisions, rulings, etc., have been made, and are published to the Army for the information of all concerned.

1. COOKS.—Under the authority of the act of Congress directing the enlistment of cooks in the Regular and Volunteer Armies of the United States, published in General Orders, No. 94, July 12, 1898, from this office, colored cooks may be enlisted for white regiments of volunteers. (*A. R., 280.*)

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3. ARMY IN THE FIELD.—Under the one hundred and seventh article of war a corps commander is held to be a commander of an army in the field when his corps is not a constituent part of a larger body, and he may convene a court-martial under this article and confirm sentences of dismissal of officers. A corps commander may also convene such court where the division or separate brigade commander is the accuser or prosecutor.

CIRCULAR, No. 31.

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, August 12, 1898.

Owing to the number of incorrect and incomplete final statements daily presented to paymasters for settlement, it is apparent that the obligations of officers issuing such statements are not fully understood, and the result is great inconvenience to discharged soldiers, who are obliged to return to their late commanding officer to have necessary corrections made, and liability of paymasters to overpay, when the account of the soldier is not fully and properly stated.

In order that there may be uniformity in the issue of final statements, the following instructions, compiled from the Army Regulations, will be strictly observed:

"*It should be borne in mind that overpayments caused by erroneous final statements will be charged against the officer who signed the final statement.*"

Notification of discharge.

(Par. 150, A. R.)

The officer who prepares the final statement of a soldier will, at least one day before the discharge takes effect, send by mail to the paymaster to whom the soldier may wish to apply for payment a notification in his own handwriting, in form as follows:

"Major ——, Paymaster, U. S. Army,
"*Washington.*

"SIR: I have the honor to advise you that Private —— will be discharged the service of the United States on ——, 1898, by reason of ——." (Here state the reason.)

"The soldier was last paid to ——, 1898, and has pay due him from that date to date of discharge.

"There is due him for clothing not drawn in kind, $——," or "He is indebted to the United States for clothing overdrawn, $——. He is indebted to the United States for C. & G. E., $——. For court-martial forfeiture, $——.

"The soldier is (or is not, as the case may be) entitled to traveling allowances.

"His signature appears below.

"(Soldier's signature:)

——— ———.

"Very respectfully,

——— ———,

"*Com'g. Co.* —— *Regt.* —— *Vols.*"

Soldiers are discharged for the following reasons (par. 140, A. R., and G. O., No. 100, A. G. O., 1898):

1. By order of the President or the Secretary of War.

2. By sentence of a general court-martial.

3. On surgeon's certificate of disability by direction of the commander of a territorial department or army in the field. Department and corps commanders are authorized to order discharge on certificates of disability, such orders to be carried out by the regimental, independent battalion, battery, or detachment commander, as the case may be, and the final statements should show the authority for discharge and whether or not the disability was caused by the soldier's own misconduct. The requirements of General Orders, No. 100, Adjutant-General's Office, 1898, should be carefully observed.

4. In compliance with an order of one of the United States courts, or a justice or judge thereof, or on a writ of habeas corpus.

5. By expiration of term of service.

Under the head of "Remarks" the notation, "Service honest and faithful," or "Service not honest and faithful," as the case may be, must appear.

Travel pay is forfeited:

1. By dishonorable discharge, per sentence of court-martial.

2. When soldier is discharged as a minor, or for other cause involving fraud on his part in the enlistment.

3. When, at date of discharge, the soldier is in the hands of civil authorities and undergoing imprisonment.

4. When discharged before expiration of term of enlistment through fault of his.

5. When discharged by order of the Secretary of War, or by corps or department commander, for disability caused by his own misconduct.

6. When discharged by way of favor, as, "to enable him to accept a commission."

If for any of the above causes the soldier is not entitled to traveling allowances, the notation, "not entitled to traveling allowances," must appear, and the authority for the same must be stated.

Clothing account:

Settlement must be made by the company commander, and the balance "due the United States," or "due the soldier," must be stated.

In cases where clothing has been issued by the State authorities the following remark will be made on the final statements: "In the settlement for clothing is included the sum of $——, the total value of articles issued him by the State." In cases where no clothing was issued by the State a remark to that effect will be made.

CIRCULAR, No. 32.

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, August 15, 1898.

The following letter from the Treasury Department is published for the information and guidance of all concerned, and attention is invited to paragraph 584 of the Army Regulations:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., July 30, 1898.

To the honorable the SECRETARY OF WAR.

SIR: I have the honor to advise you that the bond of the North American Trust Company, as fiscal agents of the United States at Santiago de Cuba, duly executed in the penal sum of $250,000, has this day been approved and referred to the Auditor for the War Department for file.

Respectfully, yours,

O. L. SPAULDING, *Acting Secretary.*

The North American Trust Company of New York having been designated by the Treasury Department as fiscal agents of the United States at Santiago, Cuba, are represented there by Mr. S. M. Jarvis.

CIRCULAR, No. 37.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, September 16, 1898.

The following decisions have been made and are published to the Army for the information of all concerned:

1. OFFICERS TRAVELING ON DUTY.—A commissioned officer traveling on duty under orders, with less than three enlisted men, is regarded as traveling without troops, within the meaning of the law and regulations applicable to the subject, and is entitled to travel allowances accordingly. An officer traveling under orders with three or more enlisted men is regarded as traveling with troops. (*A. R., 776, 1117, and Art. X, A. R.*)

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CIRCULAR, No. 38.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, September 23, 1898.

By direction of the Acting Secretary of War, the following is published to the Army for the information and guidance of all concerned:

Enlisted men of the Regular and Volunteer Army who desire to procure furlough, transfer, or discharge from the United States service should address a letter to the *Adjutant-General of the Army*, setting forth the reasons upon which they base their applications, and hand or mail it to the captain of their company, who in turn is required to forward it through regimental, brigade, division, and corps headquarters *with his recommendation. Applications that do not come up in this manner will not be entertained.*

All applications must be forwarded immediately, approved or disapproved, as provided in A. R. 765.

Further, the Department will not at this time entertain applications for

discharges of enlisted men belonging to regiments serving in the Philippine Islands, Honolulu, Cuba, or Porto Rico.

Soldiers transferred from one regiment to another and soldiers going on furlough, other than sick furloughs from hospitals, perform the journey at their own expense and can not be furnished Government transportation.

CIRCULAR, No. 39.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, September 27, 1898.

I. The following decisions, rulings, etc., have been made, and are published to the Army for the information of all concerned:

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3. ARMY CORPS SYMBOLS.—General Orders, No. 99, July 15, 1898, Adjutant-General's Office, designating certain symbols, flags and pennants, and badges for army corps, divisions, and brigades, are so far modified as to provide that the badges to be worn by the officers and enlisted men shall be from 1¼ inches to 1½ inches in size, and to permit officers to wear the same upon the hat or cap. The Quartermaster's Department will supply the badges in metal, enameled in the proper colors. (*A. R., 1551, Art. XXX, A. R.*)

II. By direction of the Acting Secretary of War, the decision published in Circular No. 34, August 29, 1898, from this office, is amended to read as follows:

TRANSPORTATION.—Sick and wounded soldiers granted furloughs under the provisions of General Orders, No. 114, August 9, 1898, from this office, are entitled to transportation and commutation of rations at $1.50 per day while traveling from their homes upon return to duty whether application therefor be made by them in person or by letter. (*A. R., 1272.*)

CIRCULAR, No. 40.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, October 3, 1898.

By direction of the Secretary of War, Circular No. 38, September 23, 1898, from this office, is amended to read as follows and published to the Army for the information and guidance of all concerned:

Enlisted men of the Regular and Volunteer Army who desire to procure a discharge from the United States service should address a letter to the *Adjutant-General of the Army*, setting forth the reasons upon which they base their applications, and hand or mail it to the captain of their company, who in turn is required to forward it through regimental, brigade, and division headquarters *with his recommendation. Applications that do not come up in this manner will not be entertained.*

All applications must be forwarded immediately, approved or disapproved, as provided in A. R. 765.

Soldiers transferred from one regiment to another and soldiers going on furlough, other than sick furloughs from hospitals, perform the journey at their own expense and can not be furnished Government transportation.

CIRCULAR, No. 41.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, October 13, 1898.

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2. The following decision has been made and is published to the Army for the information of all concerned:

The provisions of General Orders, No. 114, August 9, 1898, from this office, are intended to apply only to those soldiers who, by reason of severe wounds or serious illness, have been admitted into a general or division field hospital, and whose cases require a change of surroundings in the judgment of the surgeon in charge. Final action on furloughs to soldiers under treatment in division hospitals will be taken by division commanders. (*A. R., 106.*)

CIRCULAR, No. 44.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, October 26, 1898.

I. By direction of the Secretary of War, the following is published for the information of all concerned:

The indorsement required by General Orders, No. 147, September 17, 1898, from this office, pursuant to paragraph 836 of the Regulations, on the enlistment papers of men who have served in the Volunteer Army and subsequently enlist in the Regular Army, results in giving such soldiers credit on the records of the Department for time actually served in the Volunteer Army; but the term of enlistment or reenlistment in the Regular Army is not shortened by reason of their volunteer service. They begin a new enlistment in the Regular Army for the full term of three years, and their clothing allowance likewise begins at the first year's rates. The principal advantages, however accrue to those who reenlist in the Regular Army *within three months from date of discharge from the Volunteer Army.* In their cases the time actually served in the volunteers is added to the time served in the Regular Army in computing the soldier's service pay, from time to time. For example:

Suppose John Smith to have served four months in the Volunteer Army and within three months after discharge therefrom to have reenlisted in the Regular Army, serving as a private. He would complete two years' continuous service upon serving one year and eight months in the Regular Army (with *pay proper* at $13 per month). He would then enter upon the third year of continuous service, during which he would be entitled to $14 per month; with the expiration of two years and eight months of his new enlistment he would complete three years' continuous service and enter upon the fourth year, entitling him to $15 per month. After serving four months in this fourth year his three years' term of enlistment would expire; should he again reenlist within three months from date of discharge, the first eight months of such enlistment would complete his fourth year of continuous service at $15 per month. During the next year—the fifth year of continuous service—he would draw $16 per month, and after its close would be entitled to another $2 per month for five years' continuous service, *i. e.* $18 per month. Each subsequent period of five years' continuous service would entitle him to $1 per month additional.

To the rates of pay named above, 20 per cent of the *pay proper* is to be added in time of war. In the case of a private this would be $2.60 per month.

The pay proper for the noncommissioned grades is given in the U. S. Army recruiting circular dated April 27, 1898, and is subject to like increase for continuous service. (*A. R., 836.*)

II. By direction of the Secretary of War, the following is published for the information of all concerned:

Commanding officers of regiments serving in the field and the commanders of divisions and of separate brigades have the same power and authority for convening and acting upon boards of survey as is vested in commanders of posts and departments by Army Regulations. (*A. R., 709.*)

CIRCULAR, No. 48.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, November 11, 1898.

The following decisions, rulings, etc., have been made, and are published to the Army for the information of all concerned:

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2. BOARDS OF SURVEY.—The authority given in paragraph 115 of the Regulations, as amended by General Orders, No. 45, May 16, 1898, Adjutant-General's Office, to a regimental commander to call a board of survey when a soldier deserts, is not intended to interfere with the like authority heretofore given to a post commander. (*A. R., 115.*)

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CIRCULAR, No. 49.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, November 16, 1898.

I. The following decisions, rulings, etc., have been made, and are published to the Army for the information of all concerned:

1. SUBSISTENCE STORES.—Civilian employees of all departments of the Government in foreign possessions will be permitted to purchase subsistence stores from the Subsistence Department at contract price, with 10 per cent added to cover freight. (*A. R., 1284.*)

2. SUMMARY COURT.—Commanding officers of division field hospitals and division ambulance companies, being responsible direct to the division surgeons and division commanders, have authority to appoint summary courts. (*A. R., 932.*)

3. AGE LIMIT—VOLUNTEERS ENLISTING IN THE REGULAR ARMY.—In cases of discharged volunteers over 35 years of age who seek to enter the Regular Army more than three months after discharge, paragraph 838, clause 3, of the Army Regulations governs.

When discharged volunteers reenlist in the Regular Army *within three months after discharge*, the age limitation does not apply, and the applicants need not sign the declaration of recruit on the enlistment form. (See last paragraph of printed directions thereon.)

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CIRCULAR, No. 50.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, November 19, 1898.

I. The following decision has been made and is published to the Army for the information of all concerned:

ARMY CORPS BADGES.—By direction of the Secretary of War, the corps badges prescribed in General Orders, No. 99, July 15, 1898, from this office, are a part of the uniform of the Army and serve as marks of identification the same as the symbols of the various arms of the service and the different staff corps.

The proper badge should be habitually worn as prescribed by all officers and enlisted men attached to an army corps. To wear the badges of two or more army corps at the same time would defeat the object of their use, and be as incongruous as for a man transferred from one regiment to another to wear the numbers and symbols of both.

Upon occasions of ceremony, however, the badges to which officers and soldiers are properly entitled may be worn as prescribed in paragraph 1551, Army Regulations, the badge designating the wearer's proper corps to be worn separately above the line. (*A. R., 1550a and 1551.*)

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CIRCULAR, No. 51.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, November 25, 1898.

The following decision has been made and is published to the Army for the information of all concerned:

MILITARY RECORD.—The words "served during the Spanish-American war, 1898," may be written after the word "expeditions" under the heading "Military record" on the back of the discharge paper of enlisted men who served during the war with Spain, and in addition thereto the country in which the soldier served may also be stated; for example, "served during the Spanish-American war, 1898, in Cuba," "in Porto Rico," or "in the Philippines," as the case may be. (*A. R., 148.*)

CIRCULAR, No. 52.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, December 1, 1898.

I. By direction of the Secretary of War, Circular No. 42, October 18, 1898, from this office, publishing decision relative to commutation of rations for nurses, is amended to read as follows:

COMMUTATION OF RATIONS FOR NURSES.—Inasmuch as female nurses in general hospitals are, by section 1277, Revised Statutes, entitled to commutation of rations, it is ordered that commutation of rations will hereafter be allowed to all nurses, whether male or female or whether employed in general or other hospitals, when they are granted leaves of absence by the officer in command or in charge of the hospital, the rate to be the same as that of enlisted men on furlough—that is, 25 cents per day. (*A. R., 1272.*)

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CIRCULAR, No. 53.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, December 8, 1898.

The following decision has been made and is published to the Army for the information of all concerned:

GRATUITOUS ISSUE OF CLOTHING.—Whenever articles of clothing of enlisted men have been destroyed or injured by disinfecting process to prevent contagion a gratuitous issue of such articles of clothing will be made to the enlisted men to whom such clothing belonged, upon the certificate of the officer who has personal knowledge of the facts. (*A. R., 1194 and 1442.*)

CIRCULAR, No. 57.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, December 27, 1898.

I. By direction of the Secretary of War, Circular, No. 53, December 8, 1898, from this office, is amended to read as follows:

GRATUITOUS ISSUE OF CLOTHING.—Whenever articles of clothing of enlisted men have been destroyed to prevent contagion, a gratuitous issue of such articles of clothing will be made to the enlisted men to whom such clothing belonged, upon the certificate of the officer who has personal knowledge of the facts. (*A. R., 1194 and 1442.*)

II. The following decision has been made and is published to the Army for the information of all concerned:

COUNCILS OF ADMINISTRATION.—The detail of acting assistant surgeons on councils of administration for the purposes required in paragraph 159 of the Regulations is authorized.

CIRCULAR, No. 2.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, January 13, 1899.

The following decision has been made and is published for the information and guidance of all concerned:

In response to numerous inquiries regarding the matter, the Assistant Secretary of War has rendered the following decision:

In territory subject to military government by the military forces of the United States, persons holding the office of notary public at the time the military occupation began are permitted to hold said office and perform the functions thereof under the military government, without further authorization. The commanding general may, at his own discretion, suspend the office or displace any or all persons holding the same, in which event an order is necessary. This is the established custom under the laws of war.

The view herein expressed is in harmony with the course prescribed in paragraphs 1, 3, and 6, of Lieber's Instructions for the Government of the Armies of the United States in the Field. (General Orders, No. 100, April 24, 1863, Adjutant-General's Office.) (*A. R., 683.*)

CIRCULAR, No. 3.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, January 14, 1899.

By direction of the Secretary of War, the following is promulgated for the information and guidance of all concerned:

Frequent inspections and condemnation of horses in the hands of troops in the field leads the War Department to believe that, perhaps, horses purchased during the war for volunteer organizations may be condemned and sold on account of being under size, run down from service or exposure, which might have given a good measure of service if they had been retained.

It is the duty of all concerned to see that the economical interests of the Government are protected, and, to this end, corps and other commanding officers will give this matter their special attention, and will not sanction the disposal by condemnation and sale of any horses that by care may be made to render reasonable service to the Government. (*A. R., 878, 1029, and 1037.*)

CIRCULAR, No. 4.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, January 19, 1899.

The attention of officers of the Army is invited to the provisions of Circular, No. 3, February 2, 1897, from this office, directing that the blank forms of pay rolls be thereafter furnished by the Paymaster-General of the Army. They are now issued as Form No. 28, Paymaster-General's Office, as follows:

1 sheet containing	11 lines.
2 sheets containing	51 lines.
3 sheets containing	91 lines.
4 sheets containing	131 lines.
5 sheets containing	171 lines.
6 sheets containing	211 lines.
1 extra sheet for insertion, if necessary, containing	40 lines.

Requests for pay rolls should state the number of rolls and size required, and be addressed to the Paymaster-General of the Army. (*A. R., 1552.*)

CIRCULAR, No. 5.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, January 24, 1899.

I. The following letter has been received from the War Department and is published for the information and guidance of all concerned:

WAR DEPARTMENT, *Washington, January 21, 1899.*

GENTLEMEN: By direction of the President, your company is hereby designated the fiscal agents of this Department for the city of Habana and other places in the island of Cuba not heretofore designated.

An additional bond to the amount of $250,000 will be required, and such additional amount as may be required from time to time by the Secretary of War.

Very respectfully,

R. A. ALGER,
Secretary of War.

THE NORTH AMERICAN TRUST COMPANY,
No. 100 Broadway, New York City.

(*A. R., 584.*)

II. The following decision has been made and is published for the information and guidance of all concerned:

TRANSPORTATION.—Officers being transported on army transports shall not take the rooms of the masters and quartermasters on the ships.

(*A. R., 1081, 1082.*)

CIRCULAR, No. 6.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, January 27, 1899.

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II. The following decision has been made and is published to the Army for the information of all concerned:

COMMUTATION OF RATIONS WHILE ON SICK FURLOUGH UNDER GENERAL ORDERS, No. 114, A. G. O., 1898.—Disbursing officers are authorized to waive forfeiture and to pay commutation of rations on furloughs and extensions, under General Orders, No. 114, August 9, 1898, Adjutant-General's Office, granted prior to January 1, 1899, where overstaying of such furloughs or extensions did not exceed two days' duration, but they will make no payments for any portion of the period of overstaying. As to all furloughs and extensions granted after January 1, 1899, the usual rule of forfeiture of commutation of rations on failure to report on the last day of the furlough or extension will be applied. (*A. R., 106.*)

CIRCULAR, No. 8.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, February 11, 1899.

The following decisions have been made and are published to the Army for the information of all concerned:

1. SUBSISTENCE.—The word "bread" in the first line of paragraph 1269 of the Regulations is intended to mean "soft bread." There is no objection to the purchase by the Subsistence Department of savings on "hard bread," provided the hard bread is left undrawn in the hands of the commissary and is required by him for reissue, and provided that savings on hard bread be not made on that issued with travel rations. (*A. R., 1256, 1267, 1269.*)

2. CAVALRY BADGE.—The badge of a cavalry division of an army corps shall be the badge of the corps to which the division belongs, in yellow cloth or of metal enameled in yellow. (*A. R., 1551, Art. XXX, A. R.*)

CIRCULAR, No. 9.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, February 15, 1899.

I. The following order has been received from the War Department and is published for the information and guidance of all concerned:

WAR DEPARTMENT, *Washington, February 3, 1899.*

ORDERS:

By direction of the President, the Chartered Bank of India, Australia, and China is hereby designated the fiscal agent of this Department for the Philippine Islands, and for the faithful performance of such duty shall give a bond in the sum of $500,000, and such additional sums as may be required from time to time by the Secretary of War.

R. A. ALGER, *Secretary of War.*

(*A. R., 584.*)

II. The following decision has been made and is published to the Army for the information of all concerned:

CERTIFICATE OF DISABILITY FOR DISCHARGE.—In case of discharge of enlisted men on certificates of disability, in accordance with clause 3, paragraph 140 of the Regulations, the certificate must clearly set forth whether or not the disability was incurred in line of duty, and if such disability was incurred in line of duty and the man declined treatment for the relief of such disability where treatment was directed, that fact must be set forth on the certificates for the information of the Pension Office. (*A. R., 140.*)

CIRCULAR, No. 10.

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, February 21, 1899.

The following instructions relating to the issue, transfer, etc., of check books upon national bank depositaries are published for the information of all concerned:

The chief of bureau issuing a check book on a national bank depositary will keep a complete record of its size, its character, the serial number of its checks, and when and to whom issued.

When an officer transfers such book, or any of its unused checks, he will immediately advise the chief of bureau by whom it was issued of the serial numbers, inclusive, so transferred, forwarding a receipt therefor, that the necessary change in the record may be made.

When an officer ceases to act as a disbursing officer or agent, he should transfer all unused checks to his successor, as above provided, or if there be no successor, return them to the chief of bureau by whom issued.

Should any officer make an erasure or alteration of any of his checks, however slight, he will certify to the correctness of such erasure or alteration on the upper margin of such check.

Mutilated or spoiled checks should be forwarded promptly, for preservation and future reference, to the chief of bureau by whom issued, who will acknowledge the receipt of such checks. (*A. R., 606, 607.*)

CIRCULAR, No. 13.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, March 3, 1899.

When a member of the Hospital Corps whose descriptive list has not been received is transferred elsewhere, or when request is made for the descriptive list of a former member of the Hospital Corps detachment and no descriptive list has ever been received in the case, the medical officer will forward a transcript of the soldier's record in the clothing and descriptive book, stating the amount of clothing drawn, amount due for ordnance, stoppages by sentence of court-martial, and any other facts, including payments made to soldier, which should be known in order that the man's status may be thoroughly understood. If no clothing has been drawn, no ordnance charged, or no stoppages made by sentence of court-martial, the fact should be distinctly stated. If a transcript has been received instead of a descriptive list from the former commanding officer of the man, the

facts contained in this should be embodied in the new transcript. In such cases the charges against the soldier should be entered separately for each period covered by transcripts. For purposes of identification and to facilitate further inquiry, the man's own statement as to enlistment and as to his service and the pay and clothing drawn for the time not covered by transcripts, will be briefly recorded. Transcripts, will be prepared in duplicate; one copy will be forwarded to the officer requesting descriptive list and one copy to the Surgeon-General. In case inquiry for the descriptive list is made by the Surgeon-General, one copy will be sufficient. (*A. R.*, *148*.)

CIRCULAR, No. 14.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, March 9, 1899.

I. The following decision has been made and is published for the information and guidance of all concerned:

CLOTHING ALLOWANCE.—Acting hospital stewards and privates of the Hospital Corps, when serving at posts or stations where there are troops of but one arm of the service, will have the same allowance of clothing as a corporal of the arm of the service with which they are on duty. When serving at posts where there are troops of more than one arm of the service they will have an allowance of clothing equal to the highest allowance received by any corporal serving at the same post or station. When serving at posts or stations at which no troops of any other arm of the service are on duty, they will have an allowance of clothing equal to the allowance of a corporal of the arm of the service receiving the highest allowance. (*A. R.*, *1407*.)

II. By direction of the Secretary of War, Circular No. 51, of November 25, 1898, from this office, is amended to read as follows:

MILITARY RECORD.—The words "served during the Spanish-American war, 1898," may be written after the word "expeditions" under the heading "Military Record" on the back of the discharge paper of enlisted men who served during the war with Spain, and in addition thereto the country in which the soldier served may be also stated. For example, "served during the Spanish-American war, 1898, in Cuba," "in Porto Rico," "in the Philippines," "in Honolulu, H. I.," or "in the United States," as the case may be. (*A. R.*, *148*.)

CIRCULAR, No. 17.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, March 22, 1899.

The following decision has been made and is published for the information and guidance of all concerned:

WAR DEPARTMENT, *Washington, March 22, 1899.*

ORDERED, That hereafter no chief or acting chief of staff corps shall be detailed or ordered to any duty by any authority without the approval of the Secretary of War.

R. A. ALGER, *Secretary of War.*

(*A. R.*, *738*.)

CIRCULAR, No. 18.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, March 29, 1899.

The following decisions have been made and are published for the information and guidance of all concerned:

1. CHECKS.—A disbursing officer is not authorized to draw checks in his own favor, or to bearer (par. 596, A. R.), for making payments of amounts not exceeding $20 unless such checks bear indorsed upon them the names of the persons to whom the amounts drawn are to be paid, or accompanied by a list or schedule, made a part of the checks, containing the same information. (*A. R., 596.*)

2. COMPANY COOKS.—The cooks authorized by the act of March 2, 1899, will be enlisted the same as other soldiers are enlisted, and after joining their companies will be appointed as cooks by the company commander the same as musicians, artificers, and wagoners (par. 260, A. R.), and will be subject to reduction by the company commander for incompetency or misconduct. (*A. R., 260.*)

CIRCULAR, No. 19.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, March 31, 1899.

By direction of the Acting Secretary of War, the following instructions are published for the information and guidance of all concerned:

Great care will be exercised in the preparation of the descriptive and assignment card, Form No. 7, Adjutant-General's Office, to avoid errors and to fully complete the same in all respects. This is a matter of the first importance and must receive the special attention of the proper officers. (*A. R., 850, 851.*)

The spaces on the form under the headings, "Last paid," "Prior service," "Money value of clothing drawn since enlistment," "Laundry work," and "Due United States" will in no case be simply left blank. If a soldier has not been paid since enlistment, the proper entry under "Last paid" will ordinarily be "Pay due from enlistment." When there is nothing to be entered in some of the spaces under the other headings named, a line will be drawn across such spaces as an indication that the subject-matter did not escape the attention of the officer who prepared the card.

When recruits are enlisted for the general service and sent from recruiting stations to a rendezvous for distribution to regiments, the words "Regt. of" in the heading on the form will be erased and the name of the rendezvous be given. The recruiting officer will indorse, in red ink, at the top of the card of each recruit thus forwarded the arm of the service for which the soldier was enlisted, i. e., either foot service, white; mounted service, white; foot service, colored, or mounted service, colored, with the addition, when a more definite designation is necessary, of infantry, cavalry, heavy artillery, or light artillery, as the case may be. He will also note under "Remarks," soldier's residence, date and hour of leaving station, name of surgeon or civilian physician who examined soldier and made outline figure card, and "any other information which may be necessary or useful for record," as required by note on card. (*A. R., 850, 851.*

CIRCULAR, No. 20.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE.
Washington, April 4, 1899.

I. By order of the Acting Secretary of War, the following ruling of the Secretary of the Treasury as to the terms to be used by a disbursing officer in stating on the face of each check the specific object of the expenditure for which the same is drawn, under paragraph 597 of the Regulations, is published for the information and guidance of all concerned:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., January 5, 1898.

ASSISTANT TREASURER UNITED STATES, *New York.*

SIR: This office has received your letter of the 14th ultimo, calling attention to the variance in the construction by public officers of the regulations of the Department governing the issue of United States disbursing officer's checks, particularly the requirement to state on each check the object or purpose to which the avails are to be applied, furnishing several instances in illustration, and suggesting that further regulations more fully illustrating the manner of stating the object or purpose be issued.

In reply I have to inform you that it is not deemed practicable to furnish an illustration in the regulations for every object or purpose for which a check may be drawn in payment of public creditors under the various appropriations and appropriations not yet made or contemplated. The present regulations require a disbursing officer to "state on the face or back of each check the object or purpose to which the avails are to be applied." Such a statement may be made in brief form, but *must clearly indicate the object of the expenditure*, and disbursing officers generally do comply therewith.

It is thought a more effective way to secure observance of the regulations would be for you to report to this office whenever a disbursing officer hereafter fails to draw his checks properly after you shall have notified him of his error, giving name of officer, describing the check, and stating in what particular the regulations have not been complied with. Upon receipt of such report the necessary steps will be taken to cause the officer to comply with the regulations.

Respectfully, yours, L. J. GAGE, *Secretary.*

(*A. R., 596, 597.*)

II. By direction of the Acting Secretary of War, Circular, No. 57, December 27, 1898, from this office, is amended to read as follows:

GRATUITOUS ISSUE OF CLOTHING.—Whenever articles of clothing of enlisted men have been destroyed upon recommendation of a medical officer to prevent contagion, a gratuitous issue of such articles of clothing will be made to the enlisted men to whom such clothing belonged, upon the certificate of an officer that the clothing was so destroyed upon the recommendation of the medical officer named. (*A. R., 1194, 1442.*)

CIRCULAR, No. 22.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, April 18, 1899.

By direction of the Secretary of War, the following instructions are published for the information and guidance of all concerned:

1. All accepted recruits not already protected will be vaccinated before leaving a recruiting station for a rendezvous, regiment, or post. This will apply also to recruits enlisted at military posts or camps. Vaccine virus is supplied by the Surgeon-General of the Army. The compensation for vaccination of a recruit by a civilian physician not in the Government service is 50 cents. (*A. R., 843.*)

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CIRCULAR, No. 24.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE.
Washington, May 11, 1899.

The following decision has been made and is published for the information and guidance of all concerned:

SAVINGS AND ISSUE OF DRIED FRUITS AND FISH.—Savings will not be allowed on dried fruits or fish. It is considered that the ration of dried fruits is small, and it has been added for the purpose of giving variety and for hygienic reasons; it should be used, or else the Government should not be put to the expense of furnishing a component of the ration not desired.

The restriction in regard to the issue of fish was removed so as to give variety in the meat component; if it is not desired, it is because the troops do not desire the additional variety which an issue of fish would give.

The various dried fruits may be issued as requested by the company commanders, but to equalize the cost prunes should form at least three-tenths of the issue. (*A. R., 1253.*)

CIRCULAR, No. 25.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, May 15, 1899.

By direction of the Secretary of War, the following instructions are published for the information and guidance of all concerned:

Complaints of the inferior quality of recruits enlisted indicate a lack of care on the part of some recruiting officers and examiners of recruits in accepting applicants for enlistment, men having been found upon arrival at their regiments to be poorly developed or to have serious defects which existed prior to enlistment and should have been discovered by the exercise of proper care in conducting the examination preceding enlistment. The standard of requirements has not been lowered. The Army Regulations and the published instructions governing the examination of applicants for enlistment must be strictly observed and no recruit be accepted who is not qualified in all respects to perform the duties of a soldier.

There may sometimes be specially desirable applicants whose examination will disclose some defect not of a serious nature, which in the opinion of the recruiting officer and that of the examiner of recruits will not impair the efficiency of the men as soldiers. Such cases may be reported to the Adjutant-General for decision, with a statement of the nature and extent of the defect and with appropriate recommendation.

The attention of recruiting and examining officers is invited to paragraph 827 of the Regulations, as follows:

827. Recruiting officers will be held to a rigid accountability for the enlistment of men who may be found unfitted for the service. If a recruit, after having been enlisted, be rejected, or discharged as a minor, and it appear that the enlistment was carelessly made or in violation of these Regulations, the expenses incurred in consequence of the enlistment may be stopped against the pay of the officer responsible.

Contract surgeons acting as examiners of recruits who do not prove to be careful and competent should be reported to the Surgeon-General for annulment of their contracts. A recruiting officer who employs a civilian physician to examine recruits, under General Orders, No. 47, March 15, 1899, from this office, should make careful selection of a physician for the purpose, and should retain no one in such a capacity who does not prove to be fully competent. (*A. R., 827.*)

CIRCULAR, No. 26.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, May 18, 1899.

The following decision has been made and is published for the information and guidance of all concerned:

SUBSISTENCE OF ENLISTED MEN TRAVELING.—Enlisted men (including recruits under Circular, No. 54, Headquarters of the Army, 1898) ordered upon journeys which can be performed within twenty-four hours from the hour of starting must be subsisted during the journey upon cooked or travel rations drawn for the purpose from the company kitchen, the contractor for meals, or from the commissary.

An enlisted man not a recruit ordered, under subhead 5, Army Regulations, 1272, upon a journey of more than twenty-four hours' duration will be allowed commutation of rations at the rate of $1.50 (or such less sum as the officer ordering the journey may consider sufficient) for each full period of twenty-four hours of travel, beginning with the hour of starting, and proportionally for any fractional part of a twenty-four hour period at the end of the journey in which regular meal times are included, each meal in such fractional part being allowed for at one-third the rate for the full twenty-four hour period.

The commutation of rations allowed recruits after the termination of the first twenty-four hours' travel, under Circular, No. 54, Headquarters of the Army, 1898, will be computed in a similar manner for full twenty-four hour periods and fractional parts thereof.

The foregoing does not apply to travel on transports. (*A. R., 1272.*)

CIRCULAR, No. 29.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, June 6, 1899.

The following decision has been made and is published for the information and guidance of all concerned:

EXAMINATION OF RECRUITS.—Outline figure cards should be sent direct, immediately upon their completion, to the Surgeon-General (paragraph 184, Manual for the Medical Department, 1899). Examination forms, except as provided in paragraphs 844 and 847 of the Regulations, should also be forwarded direct to the Surgeon-General.

In every case where the examination form does not have to follow the recruit, it should be sent with the outline figure card direct to the Surgeon-General. If the examination form has to be sent elsewhere for completion by a medical officer, the outline figure card is not to be delayed, but should be forwarded at once to the Surgeon-General with a memorandum slip stating when and where the examination form has been sent. (*A. R., 844, 847.*)

CIRCULAR, No. 30.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, June 13, 1899.

The following decision has been made and is published to the Army for the information of all concerned:

SALES OF FUEL AND SUBSISTENCE STORES.—Families of soldiers as well as

of officers shall, during the absence abroad of the head of the family, be permitted to buy for their use at contract rates reasonable quantities of fuel and subsistence stores from the proper supply departments at military posts. (*A. R., 998, 999, 1280, 1282, 1284.*)

CIRCULAR, No. 31.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, June 22, 1899.

The following decision has been made and is published to the Army for the information of all concerned:

RECRUITS FORWARDED TO RENDEZVOUS.—When a recruit is enlisted for a particular regiment pursuant to proper authority, or is assigned to a regiment from a recruiting station, the recruiting officer will note the fact on the descriptive and assignment card of the recruit, whether he be forwarded direct to his regiment or sent via some rendezvous. The instructions in Circular, No. 19, March 31, 1899, from this office, to erase the words "Regt. of" in the heading on Form No. 7, A. G. O. (descriptive and assignment card of recruit), and insert the name of the rendezvous to which the recruit is sent, apply only to *unassigned* general service recruits, in whose cases Form No. 7 is made use of in accordance with the last note thereon.

When a recruit has expressed a preference for a certain regiment, but has not been actually enlisted for or assigned to the regiment, he should not be referred to on the descriptive and assignment card nor on other papers forwarded to rendezvous as enlisted for or assigned to such regiment, but simply as having a preference therefor. (*A. R., 850, 851, 1358.*)

CIRCULAR, No. 32.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, June 30, 1899.

I. By direction of the Secretary of War, paragraph 2, Circular, No. 5, January 24, 1899, from this office, is amended to read as follows:

TRANSPORTATION.—Officers being transported on Army transports shall not take the rooms of the masters, quartermasters, surgeons, or other permanent officers of the ships. (*A. R., 1081.*)

II. The following decision has been made and is published to the Army for the information of all concerned:

DATE OF COMMENCEMENT OF THE MILITARY SERVICE OF A VOLUNTEER OFFICER.—The date on which a volunteer officer, appointed by the President, formally accepts his appointment should be considered as the date of the commencement of his military service. No such officer should be recognized as having been in the military service of the United States, under his appointment, because of any service that may have been rendered by him prior to his formal acceptance of that appointment. (*A. R., 11, 20, 1306.*)

CIRCULAR, No. 33.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, July 8, 1899.

By direction of the Secretary of War, Circular, No. 30, June 13, 1899, from this office, is amended to read as follows:

SALES OF FUEL AND SUBSISTENCE STORES.—The commanding officer of a post, at or near which the immediate family of a regular or volunteer soldier who is absent abroad resides, may, if the residence and other conditions of such family make it proper, grant to the head thereof permits to purchase from the supply departments at the post, for cash at cost prices, such quantities of fuel and subsistence stores as in his opinion may be reasonably needed for the sole use of the soldier's immediate family. The total amount of subsistence stores so sold to soldiers' families will be entered by the commissary in a separate item on the abstract of sales each month. (*A. R., 998, 999, 1004, 1280, 1282, 1284.*)

CIRCULAR, No. 35.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, July 24, 1899.

The following decisions have been made and are published to the Army for the information of all concerned:

I. MECHANICS.—The mechanics for each battery of heavy artillery authorized by the act of Congress approved March 2, 1899, will be appointed by the company commander, under paragraph 260 of the Regulations, the same as musicians, artificers, and wagoners, and will be subject to reduction by the company commander for incompetency or misconduct. (*A. R., 260.*)

II. DISCHARGE CERTIFICATE.—When a discharge certificate is given a soldier of the *United States* Volunteers, it will be signed by the commanding officer of the company and countersigned by the commanding officer of the regiment instead of the mustering officer. The latter officer is required to countersign only discharges of soldiers belonging to regiments bearing *State* designations. (*A. R., 141.*)

CIRCULAR, No. 36.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, August 4, 1899.

By direction of the Secretary of War, the following is published to the Army for the information and guidance of all concerned:

BALANCES TO CREDIT OF DECEASED OFFICER.—Cash in the hands of a deceased officer may be invoiced, by a board of survey appointed under paragraph 84 of the Regulations, to the deceased officer's successor; but balances to his credit with the Treasurer, an assistant treasurer, a designated depository, or a fiscal agent of the United States, over and above his outstanding checks, will be covered into the Treasury of the United States by the chiefs of bureaus when the board of survey has reported to the bureaus the balances over and above such checks. A deceased officer's successor will not endeavor to secure the transfer to himself of the deceased officer's balances with the Treasurer, assistant treasurer, designated depository, or fiscal agent, but will make requisition upon the proper authorities for such funds as he may need. (*A. R., 84.*)

CIRCULAR, No. 37.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, August 7, 1899.

The following decisions have been made and are published to the Army for the information of all concerned:

I. MONTHLY REPORTS OF EXAMINATIONS OF RECRUITS (Form No. 30, S. G. O.) required by paragraph 848, A. R., 1895, to be sent to the Surgeon-General of the Army, are not called for in the cases of volunteers, nor are entries of examinations of volunteer recruits to be included in the monthly reports of regulars. (*A. R., 848.*)

II. PAYMENT OF COMMUTATION OF RATIONS OR OF COFFEE MONEY TO RECRUITS.—Recruiting officers will pay to each recruit in person commutation of rations or coffee money to which he may become entitled under the conditions imposed by Circular, No 28, Headquarters of the Army, Adjutant-General's Office, May 25, 1899, or will cause it to be conveyed to him only by the hand of a commissioned officer. (*A. R., 1257, 1272, 1275.*)

CIRCULAR, No. 39.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, August 15, 1899.

By direction of the Secretary of War, the following instructions are published to the Army for the information and guidance of all concerned:

Recruiting officers in the East, in sending recruits to San Francisco via Chicago, will provide for subsistence under Circular, No. 28, May 25, 1899, from this office, to Chicago only. Noncommissioned officers in charge of recruits routed from Chicago to San Francisco will be furnished by the subsistence department at Chicago either with commutation or with requests in the following form, addressed to railroads on which the detachments travel, for meals for themselves and recruits en route. They will duly execute the certificate for the number of meals furnished at each place en route, and leave the request and certificate with the representative of the railroad eating house there present. Settlements for meals thus furnished will be made with railroad companies by the chief commissary at San Francisco or Chicago upon presentation of the requests, with certificates duly executed.

(FORM.)

The ——— ——— will please furnish to ——— ———, in charge of
(Name of railway.) (Name of man in charge of party.)
——— recruits en route Chicago, Illinois, to San Francisco, California,
(Number of recruits.)
——— ——— breakfasts, dinners, suppers.
(No. of breakfasts, dinners, or suppers.)

———,
Chief Commissary, Dept. of the Lakes.

I certify that ——— ——— has furnished this party with ——— ———
(Name of railway.) (Number of meals actually furnished.)
breakfasts, dinners, suppers, on above request.

———,
In charge of party.

These meals will be paid for only on presentation of this request by the proper representative of the railway company named to the chief commissary at San Francisco, Cal., or Chicago, Ill. (*A. R., 1272.*)

CIRCULAR, No. 40.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, August 23, 1899.

By direction of the Acting Secretary of War, the following circular from the Treasury Department is published for the information and guidance of all concerned:

TREASURY DEPARTMENT,
OFFICE OF THE COMPTROLLER OF THE TREASURY,
Washington, D. C., March 9, 1899.

To disbursing officers, agents, and others interested:

1. Original bills of lading or express receipts should be filed with all accounts for transportation service.

2. The date of shipment, shipping point, destination, name of consignor and consignee, weight (or quantity), rate, kind of property, receipt of consignee with condition of property when delivered to him, and amount charged, should be shown on bill of lading or otherwise for each shipment, whether by ordinary freight or express.

3. The kind of property and the use for which intended should be detailed sufficiently to indicate clearly the classification and rate of charge, and the appropriation chargeable with the cost of transportation.

4. Transportation should be provided to ultimate destination on through bills of lading whenever practicable.

5. Erasures, interlineations, or alterations in bills of lading should be explained thereon by the proper person over his signature.

6. When private property is shipped at Government expense, it should be so indicated and the reason and authority therefor should be shown.

7. Whenever regulations of a department or service require the necessity or authority for shipment by *express* to be shown, such regulations will be strictly enforced.

8. The published tariffs effective at the time of shipment should be referred to by number or other convenient designation and furnished to the accounting officers of the Treasury whenever requested. In the absence of published tariffs, other satisfactory evidence of the rates charged the public should be furnished.

9. The bill of lading or express receipt, duly stamped as required by the war-revenue law of June 13, 1898 (30 Stat. L., 459), should be furnished with the accounts transmitted to the Treasury Department, or its absence satisfactorily accounted for. Without the stamp such bill or receipt is inadmissible in evidence. This is not, however, to be understood as precluding a disbursing officer from proving his account by other satisfactory evidence, when through no fault of his own he is unable to furnish such stamped bills.

10. In case of the loss of a bill of lading or express receipt, satisfactory evidence of its loss and of the facts required to be substantiated by it should be furnished.

11. Payment by disbursing officers should be by check on a designated depository, and should be drawn to the order of the person, firm, or corporation rendering the service, which fact, with the date and number of check and name of depository, should be stated on the voucher: *Provided*, That in case of a small payment for an occasional service when it is impracticable to issue a check as above indicated, the receipt of the company by its local agent, when the disbursing officer is satisfied that the person receiving and receipting is such local agent, will, in the absence of any counter evidence, be accepted.

12. Accounts involving transportation over the bond-aided railroads should be forwarded to the Treasury Department for settlement. In no case should they be paid by disbursing officers.

13. Proper deductions should be made in the payment for transportation over land-grant and other railroads agreeing to accept land-grant rates.

14. Public policy and regard for economy in the service dictate that the bond-aided and land-grant railroads should be used whenever practicable, unless as favorable rates for the Government are obtained from other lines.

15. Under the provisions of the act of July 5, 1884 (23 Stat. L., 111), and paragraph 1129 of the Army Regulations of 1895, the Quartermaster's Department of the Army will ship all freight that may be delivered to it, securely packed and properly marked, by any Government officer or agent. The facilities thus provided may in many cases be utilized with advantage.

16. The evidence herewith required should be furnished with all accounts for transportation service, whether by ordinary freight or express.

17. It is not the intention of this circular to prescribe the evidence required by the respective auditors in the settlement of accounts, but to indicate generally the character of the evidence required by this office in the revision of accounts.

18. Additional evidence may be required whenever it is deemed necessary.

R. J. TRACEWELL, *Comptroller.*

(*A. R., 1129.*)

CIRCULAR, No. 41.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, August 31, 1899.

The following decision has been made and is published to the Army for the information of all concerned:

PAYMENTS.—An acting assistant surgeon on duty at a post or station when there is no commissioned officer present is authorized, under paragraphs 1354 (General Orders, No. 56, Adjutant-General's Office, 1897) and 1357 of the Regulations, to receipt for the funds for, and witness the payment of the same to, the enlisted men there stationed. (*A. R., 1354, 1357.*)

CIRCULAR, No. 45.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, September 19, 1899.

I. It having come to the notice of the Secretary of War that the provisions of General Orders, No. 52, August 24, 1897, from this office, are frequently disregarded, he directs that attention be invited to the same and that a rigid observance and enforcement of its provisions be hereafter enjoined. (*A. R., 334.*)

II. By direction of the Secretary of War, the further purchases of subsistence stores for gratuitous distribution to destitute persons in Alaska will not be made, and commanding officers in all parts of that Territory will be held to a strict compliance with paragraph 1267 of the Regulations in each case of relief reported as made on their orders. (*A. R., 1267.*)

CIRCULAR, No. 48.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, October 5, 1899.

The Auditor for the War Department has advised this Department that the present practice of the accounting officer to settle money accounts of disbursing officers of the Quartermaster's Department without regard to their bonds is to be discontinued.

By direction of the Secretary of War, every bonded officer of the Quartermaster's Department who hereafter files a new bond will close his account under his former bond and open a new account under his new bond; this to enable the Treasury Department to definitely fix the responsibility of each bond.

Hereafter on each requisition drawn for public funds to be placed to the credit of such officers the chief of bureau will cause to be entered in the space provided for that purpose the date of the bond under which the money is to be handled. (*A. R., 571.*)

CIRCULAR, No. 49.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, October 9, 1899.

The following decision has been made and is published to the Army for the information of all concerned:

The provision of paragraph 5, General Orders, No. 96, May 19, 1899, from

this office, allowing free transportation on Government transports to the men referred to in that paragraph is construed to authorize free subsistence in kind while on such transport. (*A. R., 1275, 1385, 1386.*)

CIRCULAR, No. 51.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, October 19, 1899.

By direction of the Secretary of War, Circular No. 10, February 21, 1899, from this office, publishing instructions relating to the issue, transfer, etc., of check books is amended to read as follows:

The chief of bureau issuing a check book on a national-bank depository will keep a complete record of its size, its character, the serial number of its checks, and when and to whom issued.

When an officer transfers such book, or any of its unused checks, he will immediately advise the chief of bureau by whom it was issued of the serial numbers, inclusive, so transferred, forwarding a receipt therefor that the necessary change in the record may be made.

When an officer ceases to act as a disbursing officer or agent he should transfer all unused checks to his successor as above provided, or if there be no successor, return them to the chief of bureau by whom issued.

Should any officer make an erasure or alteration of any of his checks, however slight, he will certify to the correctness of such erasure or alteration on the upper margin of such check.

Mutilated or spoiled official checks upon the United States Treasurer or assistant treasurer will be forwarded promptly to the depository to which they pertain, but mutilated or spoiled checks upon a national-bank depository will be forwarded promptly for preservation and future reference to the chief of bureau by whom issued, who will acknowledge the receipt of such checks. In either case a record of the dates of both cancellation and transmission will be entered on the stub. (*A. R., 606, 607.*)

CIRCULAR, No. 52.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, November 7, 1899.

The following decisions have been made and are published to the Army for the information of all concerned:

1. RECENTLY DISCHARGED SOLDIERS SICK ON TRANSPORTS ARRIVING AT NEW YORK.—Recently discharged soldiers needing hospital treatment, who arrive in New York City on Government transports, may be sent to one of the post hospitals in the vicinity of that city, and rations in kind drawn for them while undergoing treatment. (*A. R., 1267, 1440, 1446.*)

2. BROOMS.—Corn brooms worn out in the service in the Subsistence Department may be dropped from the returns of subsistence property without the action of a board of survey or of an inspecting officer. (*A. R., 678.*)

CIRCULAR, No. 53.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, November 11, 1899.

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II. By direction of the Secretary of War, the provisions of Circular No. 39, August 15, 1899, from this office, prescribing the manner of subsisting recruits en route to San Francisco via Chicago, are hereby extended to include the travel of all non-commissioned officers, privates, and recruits to or from the Pacific coast, unaccompanied by a commissioned officer, wherever the use of railroad meal tickets en route is practicable. (*A. R., 1272.*)

CIRCULAR, No. 54.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, November 16, 1899.

By direction of the Secretary of War, the provisions of paragraph 1, Circular No. 52, November 7, 1899, from this office, authorizing the admission to post hospitals in the vicinity of New York City of recently discharged soldiers needing hospital treatment who arrive in that city on Government transports, and the issue of rations in kind while undergoing such treatment are extended to include the United States General Hospital at the Presidio for recently discharged soldiers arriving at the port of San Francisco sick on Government transports. (*A. R., 1267, 1440, 1446.*)

CIRCULAR, No. 55.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, November 23, 1899.

The following decisions have been made and are published to the Army for the information of all concerned:

1. COURTESIES TO BE SHOWN ACTING ASSISTANT SURGEONS BY ENLISTED MEN OF THE ARMY.—Acting assistant surgeons are entitled to the same protection in their positions and the same respect and obedience from enlisted men as commissioned officers. (*A. R., 994.*)

2. STATUS AND ALLOWANCES OF VETERINARIANS.—A veterinarian appointed under the act of Congress approved March 2, 1899, is not a commissioned officer or an enlisted man, but a civil employee. A veterinarian of the second class is entitled to all the allowances or emoluments of a sergeant-major, other than his pay proper, which is fixed by law, the same as if he were an enlisted man. (*A. R., 183.*)

CIRCULAR, No. 57.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, November 29, 1899.

By direction of the Secretary of War, the following decision of the Comptroller of the Treasury relating to commutation of rations to soldiers traveling on furlough, is published for the information and guidance of all concerned:

TREASURY DEPARTMENT,
OFFICE OF THE COMPTROLLER OF THE TREASURY, *November 16, 1899.*

* * * * * * *

In conclusion I decide—

1. That soldiers furloughed under General Orders, No. 114, and its amendments, while the same were in force, are entitled to a commutation of rations not furnished in kind at the rate of $1.50 per day while necessarily traveling to and from their respective homes, and at the rate of 25 cents per day for the remainder of the time they are on furlough issued under said orders.

2. That the regular annual appropriations for subsistence of the Army for the year in which the furlough was taken is properly chargeable with the commutation in question.

3. That soldiers on furlough under General Orders, No. 114, are not entitled to transportation at the expense of the Government.

The decision of the auditor is modified to agree with the above views.

R. J. TRACEWELL, *Comptroller.*

(*A. R., 1109, 1272.*)

CIRCULAR, No. 1.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, January 9, 1900.

By direction of the Acting Secretary of War, the accompanying list showing surety companies which have qualified to do business in the State in which incorporated, showing also the United States judicial districts in other States and Territories in which each has complied with section 2, act of August 13, 1894, and paragraph 577 of the Regulations, to present date, is published for the information of all concerned.

List showing surety companies which have qualified to do business in the State in which incorporated, showing also the United States judicial districts in other States and Territories in which each has complied with section 2, act of August 13, 1894, and Army Regulation, 577, to date.

[LEGEND: = indicates State in which incorporated. × indicates proper qualification of company.]

Name of company.	Alabama, northern.	Alabama, middle.	Alabama, southern.	Alaska.	Arizona.	Arkansas, eastern.	Arkansas, western.	California, northern.	California, southern.	Colorado.	Connecticut.	Delaware.	District of Columbia.	Florida, northern.	Florida, southern.	Georgia, northern.	Georgia, southern.	Idaho.	Illinois, northern.
American Surety Co. of New York, 100 Broadway, New York, N. Y.	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×
Fidelity and Deposit Co. of Maryland, corner Charles and Lexington streets, Baltimore, Md.	×	×	×	..	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×
The American Bonding and Trust Co. of Baltimore City, Equitable Building, Baltimore, Md.	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×
The City Trust Safe Deposit and Surety Co. of Philadelphia, 927 Chestnut street, Philadelphia, Pa	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×
The Fidelity and Casualty Co. of New York, 99 to 103 Cedar street, New York, N. Y	×	×	×	..	..	×	×	×	×	..	×	×	×	×	×	×	×	..	×
The Lawyers' Surety Co. of New York, 32, 34, and 36 Liberty street, New York, N. Y.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
The Equitable Trust Co., 624 Chestnut street, Philadelphia, Pa	..	..	..	..	..	..	..	..	..	..	×	×	×	..	..	..	..	..	..
The United States Fidelity and Guaranty Co., southwest corner Calvert and German streets, Baltimore, Md.	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×
The Mercantile Trust Co., 413 Wood street, Pittsburg, Pa	..	..	..	..	..	..	..	..	..	..	..	..	×	..	..	..	..	..	..
National Surety Co., New York Life Building, 346 Broadway, New York, N. Y	×	×	×	..	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×
The Equitable Guarantee and Trust Co., northwest corner Ninth and Market streets, Wilmington, Del	..	..	..	..	..	..	..	..	..	..	..	=	..	..	..	..	..	..	..
The Union Trust Co. of Pittsburg, 335 to 339 Fourth avenue, Pittsburg, Pa	..	..	..	..	..	..	..	..	..	..	..	..	×	..	..	..	..	..	..
The Ætna Indemnity Co., Hartford, Conn	..	..	..	..	..	..	..	..	..	..	=	..	×	..	..	..	..	..	..
The Union Safe Deposit and Trust Co., Portland, Me	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Pacific Surety Co., 326 Montgomery street, San Francisco, Cal	..	..	..	×	..	..	..	=	=	×	..	..	×	..	..	..	..	..	×
Virginia Trust Co., Richmond, Va	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
The Union Surety and Guaranty Co., 1428 Chestnut street, Philadelphia, Pa	..	..	×	..	..	..	..	..	..	..	..	..	..	..	×	..	×	..	..

List showing surety companies which have qualified to do business in the State in which incorporated, etc.—Continued.

[LEGEND: = indicates State in which incorporated. × indicates proper qualification of company.]

Name of company.	Illinois, southern.	Indiana.	Indian Ter., northern.	Indian Ter., central.	Indian Ter., southern.	Iowa, northern.	Iowa, southern.	Kansas.	Kentucky.	Louisiana, eastern.	Louisiana, western.	Maine.	Maryland.	Massachusetts.	Michigan, eastern.	Michigan, western.	Minnesota.	Mississippi, northern.	Mississippi, southern.
American Surety Co. of New York, 100 Broadway, New York, N. Y	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×
Fidelity and Deposit Co. of Maryland, corner Charles and Lexington streets, Baltimore, Md.	×	×	×	×	×	×	×	×	×	×	×	×	=	×	×	×	×	×	×
The American Bonding and Trust Co. of Baltimore City, Equitable Building, Baltimore, Md.	×	×	×	×	×	×	×	×	×	×	×	×	=	×	×	×	×	×	×
The City Trust Safe Deposit and Surety Co. of Philadelphia, 927 Chestnut street, Philadelphia, Pa	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×
The Fidelity and Casualty Co. of New York, 99 to 103 Cedar street, New York, N. Y	×	×	..	..	..	×	×	×	×	×	×	×	×	×	×	×	×	×	×
The Lawyers' Surety Co. of New York, 32, 34, and 36 Liberty street, New York, N. Y	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
The Equitable Trust Co., 624 Chestnut street, Philadelphia, Pa	..	..	..	..	..	..	..	..	×	..	..	..	×	..	..	..	..	..	..
The United States Fidelity and Guaranty Co., southwest corner Calvert and German streets, Baltimore, Md	×	×	×	×	×	×	×	×	×	×	×	×	=	×	×	×	×	×	×
The Mercantile Trust Co., 413 Wood street, Pittsburg, Pa	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
National Surety Co., New York Life Building, 346 Broadway, New York, N. Y	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×
The Equitable Guarantee and Trust Co., northwest corner Ninth and Market streets, Wilmington, Del	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
The Union Trust Co. of Pittsburg, 335 to 339 Fourth avenue, Pittsburg, Pa	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
The Ætna Indemnity Co., Hartford, Conn	..	..	..	..	..	..	..	..	..	..	..	..	..	×	..	..	..	..	..
The Union Safe Deposit and Trust Co., Portland, Me	..	..	..	..	..	..	..	..	..	..	..	..	=	..	..	..	..	..	..
Pacific Surety Co., 326 Montgomery street, San Francisco, Cal	×	..	..	..	..	..	..	..	..	..	..	..	..	×	..	..	..	..	..
Virginia Trust Co., Richmond, Va	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
The Union Surety and Guaranty Co., 1428 Chestnut street, Philadelphia, Pa	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..

List showing surety companies which have qualified to do business in the State in which incorporated, etc.—Continued.

[Legend: — indicates State in which incorporated. × indicates proper qualification of company.]

Name of company.	Missouri, eastern.	Missouri, western.	Montana.	Nebraska.	Nevada.	New Hampshire.	New Jersey.	New Mexico.	New York, northern.	New York, eastern.	New York, southern.	North Carolina, eastern.	North Carolina, western.	North Dakota.	Ohio, northern.	Ohio, southern.	Oklahoma.	Oregon.	Pennsylvania, eastern.
American Surety Co. of New York, 100 Broadway, New York, N. Y.	×	×	×	×	×	×	×	×	—	—	—	×	×	×	×	×	×	×	×
Fidelity and Deposit Co. of Maryland, corner Charles and Lexington streets, Baltimore, Md.	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	..	×	×
The American Bonding and Trust Co. of Baltimore City, Equitable Building, Baltimore, Md.	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×
The City Trust Safe Deposit and Surety Co. of Philadelphia, 927 Chestnut street, Philadelphia, Pa	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	—
The Fidelity and Casualty Co. of New York, 99 to 103 Cedar street, New York, N. Y.	×	×	×	×	..	×	×	..	—	—	—	×	×	×	×	×	..	×	×
The Lawyers' Surety Co. of New York, 32, 34, and 36 Liberty street, New York, N. Y	..	..	..	..	..	..	..	..	—	—	—	..	..	..	..	..	..	..	..
The Equitable Trust Co., 624 Chestnut street, Philadelphia, Pa	..	..	..	..	..	..	×	..	..	..	×	×	..	..	..	..	..	..	—
The United States Fidelity and Guaranty Co., southwest corner Calvert and German streets, Baltimore, Md	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×
The Mercantile Trust Co., 413 Wood street, Pittsburg, Pa	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	—
National Surety Co., New York Life Building, 346 Broadway, New York, N. Y	×	×	×	×	×	×	×	×	—	—	—	×	×	×	×	×	×	×	×
The Equitable Guarantee and Trust Co., northwest corner Ninth and Market streets, Wilmington, Del	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
The Union Trust Co. of Pittsburg, 335 to 339 Fourth avenue, Pittsburg, Pa	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	—
The Ætna Indemnity Co., Hartford, Conn	..	..	..	..	..	..	×	..	..	..	×	..	..	..	..	..	..	..	..
The Union Safe Deposit and Trust Co., Portland, Me	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Pacific Surety Co., 326 Montgomery street, San Francisco, Cal	..	..	×	×	×	..	..	..	..	..	..	..	..	..	..	..	..	×	×
Virginia Trust Co., Richmond, Va	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
The Union Surety and Guaranty Co., 1428 Chestnut street, Philadelphia, Pa	..	..	..	..	..	..	..	..	..	..	×	..	..	..	..	..	..	..	—

List showing surety companies which have qualified to do business in the State in which incorporated, etc.—Continued.

[Legend: = indicates State in which incorporated. × indicates proper qualification of company.]

Name of company.	Pennsylvania, western.	Rhode Island.	South Carolina.	South Dakota.	Tennessee, eastern.	Tennessee, middle.	Tennessee, western.	Texas, northern.	Texas, eastern.	Texas, western.	Utah.	Vermont.	Virginia, eastern.	Virginia, western.	Washington.	West Virginia.	Wisconsin, eastern.	Wisconsin, western.	Wyoming.
American Surety Co. of New York, 100 Broadway, New York, N. Y	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×
Fidelity and Deposit Co. of Maryland, corner Charles and Lexington streets, Baltimore, Md.	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×
The American Bonding and Trust Co. of Baltimore City, Equitable Building, Baltimore, Md.	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×
The City Trust Safe Deposit and Surety Co. of Philadelphia, 927 Chestnut street, Philadelphia, Pa	=	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×
The Fidelity and Casualty Co. of New York, 99 to 103 Cedar street, New York, N. Y	×	×	×	×	×	×	×	..	×	×	..	×	×	×	×	×	×	×	×
The Lawyers' Surety Co. of New York, 32, 34, and 36 Liberty street, New York, N. Y	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
The Equitable Trust Co., 624 Chestnut street, Philadelphia, Pa	=	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
The United States Fidelity and Guaranty Co., southwest corner Calvert and German streets, Baltimore, Md	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×
The Mercantile Trust Co., 413 Wood street, Pittsburg, Pa	=	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
National Surety Co., New York Life Building, 346 Broadway, New York, N. Y	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×
The Equitable Guarantee and Trust Co., northwest corner Ninth and Market streets, Wilmington, Del	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
The Union Trust Co. of Pittsburg, 335 to 339 Fourth avenue, Pittsburg, Pa	=	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
The Ætna Indemnity Co., Hartford, Conn	..	×	..	..	..	..	..	..	..	..	..	×	..	..	..	..	..	..	..
The Union Safe Deposit and Trust Co., Portland, Me	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Pacific Surety Co., 326 Montgomery street, San Francisco, Cal	..	..	..	..	..	..	..	..	..	..	..	..	..	..	×	..	×	..	..
Virginia Trust Co. Richmond, Va	..	..	..	..	..	..	..	..	..	..	..	..	=	=	..	..	..	..	..
The Union Surety and Guaranty Co., 1428 Chestnut street, Philadelphia, Pa	=	..	..	..	..	..	..	..	×	..	..	..	..	..	..	..	..	..	..

CIRCULAR, No. 5.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, February 27, 1900.

By direction of the Secretary of War, the following is published to the Army for the information and guidance of all concerned:

The frequent efforts which are being made to procure personal favors and consideration in behalf of post noncommissioned staff officers of the Army in the matter of assignment to stations, etc., has suggested to the Secretary of War that an impression may exist that paragraph 5 of the Regulations, which specifically prohibits the procurement of personal favors except through the regular military channels, does not relate to enlisted men, and he therefore directs that the attention of all concerned be called to the provisions of the said paragraph and that in future a strict observance thereof be enforced.

CIRCULAR, No. 6.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, March 1, 1900.

I. By direction of the Secretary of War, paragraph 3, Circular, No. 10, October 9, 1895, amending paragraph 1, Circular, No. 8, August 5, 1895, both from this office, regarding the designation of the official capacity of disbursing officers on checks signed by them, is amended to read as follows:

"Officers serving in and disbursing funds pertaining to more than one staff department, and officers assigned to duty in any of the staff departments, will, in issuing checks, confine the designation of their official capacity to their rank and the particular staff department on account of which the checks are drawn." (*See A. R., 596 and 597.*)

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CIRCULAR, No. 7.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, March 20, 1900.

The following decision has been made and is published to the Army for the information of all concerned:

"COMPUTATION OF SERVICE FOR CANDIDATES FOR COMMISSION.—Two years' service in the Army within the meaning of the act of Congress approved July 30, 1892, providing for the examination of enlisted men for promotion to the grade of second lieutenant, is held to include any kind of honorable service in the Army, regular or volunteer, as commissioned officer, enlisted man, or cadet at the United States Military Academy, whether continuous or not, provided that at the time of his examination the competitor is an enlisted man in the Regular Army."—(*See A. R., 30.*)

CIRCULAR, No. 8.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, April 2, 1900.

The following decisions have been made and are published to the Army for the information of all concerned:

1. ADVERTISING LESS THAN TEN DAYS IN CASES OF EMERGENCY.—The officer who is accountable for property which is to be advertised for sale, or who is authorized to invite proposals for furnishing labor or supplies, is the one on whom devolves the duty of determining whether an emergency exists warranting the designation, under Army Regulations, 505 and 520, of a period of less than ten days for the publication of the advertisement.—(*See A. R., 505 and 520.*)

2. POST COMMISSARY SERGEANTS ON FURLOUGH.—A post commissary sergeant granted a furlough will report by letter to the Commissary-General of Subsistence immediately upon taking advantage thereof, stating the authority by which the furlough is granted, its duration, and the date he takes advantage of the same.—(*See A. R., 108.*)

CIRCULAR, No. 9.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, April 6, 1900.

The following decision has been made and is published to the Army for the information and guidance of all concerned:

EXPENSES FOR BURIAL OF OFFICERS AND ENLISTED MEN OF THE ARMY.—The expenses of burial of deceased officers other than transportation of the remains, which under the law is payable from the appropriation for "Army transportation," limited to $75 by paragraph 85 of the Regulations, and of enlisted men limited to $35 by paragraph 162 of the Regulations, as amended by General Orders, No. 141, September 12, 1898, from this office, will be limited to the cost of the coffin and the reasonable and necessary expense of preparation of the remains for burial, and will not include such items as: For guarding remains, expense of services of clergyman or minister, music by band or choir, flowers, cost or hire of pall to be used with horse, tombstone, crape or gloves for pallbearers, and expense of grave site where the remains are sent home at the request of relatives.—(*See A. R., 85 and 162.*)

CIRCULAR, No. 13.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, May 17, 1900.

The following decision has been made and is published to the Army for the information and guidance of all concerned:

ISSUE OF HARD BREAD.—The issue of hard bread will not be ordered when it is practicable to use flour. Purchases of hard bread as savings under paragraph 1, Circular, No. 8, February 11, 1899, from this office, will only be made by subsistence officers when the same is required for reissue.—(*See A. R., 1369.*)

CIRCULAR, No. 15.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, May 29, 1900.

I. The following decision has been made and is published to the Army for the information and guidance of all concerned:

FINAL STATEMENTS.—Hereafter officers issuing final statements under paragraph 141 of the Regulations to enlisted men discharged within the first five years' term of enlistment will state in the remarks the year in which the soldier was serving at discharge. (*See A. R., 150.*)

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CIRCULAR, No. 18.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, June 16, 1900.

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II. The following decision has been made and is published to the Army for the information of all concerned:

BAGGAGE ALLOWANCE.—The term "regimental noncommissioned staff officer" in paragraph 1119 of the Regulations, as amended by General Orders, No. 7, January 14, 1899, from this office, is interpreted to allow squadron and battalion sergeant-majors to have not to exceed 500 pounds of baggage transported at public expense.

CIRCULAR, No. 20.

HEADQUARTERS OF THE ARMY.
ADJUTANT-GENERAL'S OFFICE,
Washington, June 30, 1900.

By direction of the Secretary of War, the following decision of the Comptroller of the Treasury is published to the Army for the information and guidance of all concerned:

Leave of absence in excess of thirty days under General Orders, No. 167, Adjutant-General's Office, of 1898, in connection with half-pay status of officers.

TREASURY DEPARTMENT,
OFFICE OF THE COMPTROLLER OF THE TREASURY,
Washington, D. C., May 28, 1900.

M. M. Boatner, by letter filed April 2, 1900, appeals from the action of the Auditor for the War Department in settlement No. 303401, dated March 6, 1900.

The Auditor disallowed his claim, which was for pay as major of the Second United States Volunteer Infantry from June 26, 1898, the day of the muster in of the regiment, to and including July 7, 1898, his commission as major being dated July 8, 1898, under the provisions of the act of March 3, 1899 (30 Stat. L., 1065).

The reason given by the Auditor for the disallowance is that "officer was absent on ordinary leave for a period in excess of thirty days, and the overpayment by reason thereof is in excess of pay otherwise due from June 26, 1898."

The claimant makes the following contention:

"I suggest that this action of the Auditor for the War Department is erroneous, to my prejudice, for the reason that the Auditor has given no effect to General Orders, No. 167, Adjutant-General's Office, October 13, 1898, which is as follows:

"'Leaves of absence granted to officers of the Army serving at stations beyond the limits of the United States for the purpose of returning to this country will be regarded as taking effect on the dates they reach the United States, respectively, and as terminating on the respective

dates of their departures therefrom in returning to their commands. The dates of arrival in and departure from the United States will in every case be reported to the Adjutant-General of the Army.'

"I was granted leave of absence by special order issued from headquarters of the Department of Santiago during February, 1899, for the period of thirty days, with permission to visit the United States. I left the station of my regiment at Holguin on or about February 16 and proceeded by a ship of the Horrera Line to Habana, where I took a ship of the Morgan Line for my home in New Orleans and arrived there on February 22, reporting my arrival by telegraph to the Adjutant-General. Returning to my station, I departed from New Orleans on or about March 19, not more than twenty-six days after my arrival, by a vessel of the Morgan Line, and reported my departure by wire to the Adjutant-General. On my arrival at Habana I found that no ship would leave that place for Gibara (which is the seaport of Holguin) for some twelve days, and there being no other practicable way of traveling I was compelled to wait for a ship about that length of time. As soon as possible I took a ship for Gibara and rejoined my regiment.

"Considering the fact that steamers do not trade between Gibara and any town in the United States except New York; that my home and destination in the United States was New Orleans; that there is a regular line of steamers between Gibara and Habana and between Habana and New Orleans; that the route I took on both journeys was the one which promised the quickest passage, and that I traveled, coming and going, without any delay imputable to myself, I do not believe that, under the order quoted above, any portion of the period of my actual absence except that spent in the United States should be counted against my leave, and that therefore there should be no deduction of pay."

The War Department, under date of May 21, 1900, reports as follows:

"It is shown by the records that leave of absence for thirty days, with permission to visit the United States, was granted to Mark M. Boatner, major, Second United States Volunteer Infantry, in orders dated February 8, 1899; that he availed himself of the leave so granted on February 17, 1899; that he arrived in New Orleans February 23, 1899; that he left New Orleans for the station of his regiment March 22, 1899, and that he rejoined his regiment April 11, 1899, having been unavoidably detained at Habana, Cuba, awaiting transportation on his return to the regiment."

It thus appears from the record that the claimant was absent on leave from his regiment for a period of fifty-three days, twenty-seven days of which were spent within the United States, the remainder thereof being occupied in coming from his station and returning thereto.

Section 1265 of the Revised Statutes provides that—

"Officers when absent on account of sickness or wounds, or lawfully absent from duty and waiting orders, shall receive full pay; when absent with leave for other causes, full pay during such absence, not exceeding in the aggregate thirty days in one year, and half-pay during such absence exceeding thirty days in one year. When absent without leave they shall forfeit all pay during such absence, unless the absence is excused as unavoidable."

The question arises as to the effect of orders of the Secretary of War that leave will be regarded as effective during the stay within the United States only and not for the time of the journey thereto and therefrom.

An order that absences shall or shall not be counted can not be regarded as of any effect in plain contravention of a statute. But an officer who avails himself of a leave of absence under such an order while keeping within the limits thereof, can not be regarded as absent without leave, but should be regarded as absent for such time with leave, his absence having been authorized by the Secretary of War. The claimant was absent fifty-three days, under a leave of absence for thirty days. The excess beyond the thirty days' leave granted was while journeying to and from the United States, and having been authorized by General Orders, No. 167, Adjutant-General's Office, of 1898, supra, may therefore be regarded as absence with leave, during which time under section 1265 of the Revised Statutes, supra, he is entitled to half pay.

Having been paid in full as major for his entire leave the overpayment therefore is half pay for twenty-three days, which amounts to $79.86.

It appearing from the records that the Second Regiment, United States Volunteer Infantry, was mustered into service on June 26, 1898, and that the claimant had reported for duty prior to that time, and that he has not been paid prior to July 8, 1898, his claim for pay as major from June 26 to July 7, 1898, twelve days, amounting to $83.33, should be allowed, from which the overpayment above noted, amounting to $79.86, should be deducted, leaving a balance due the claimant of $3.47.

Upon a revision of the above-named account I therefore find and certify a difference of $3.47 in favor of the claimant.

R. J. TRACEWELL, *Comptroller.*

(*See A. R., 54.*)

CIRCULAR, No. 21.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, July 5, 1900.

By direction of the Secretary of War the following is published to the Army for the information and guidance of all concerned:

I. MILEAGE.

1. The second proviso of the new mileage law, act of May 26, 1900 (p. 8, General Orders, No. 76, current series, Adjutant-General's Office), which takes effect July 1, 1900, is as follows:

Provided further, That officers who so desire may, upon application to the Quartermaster's Department, be furnished with transportation requests, exclusive of sleeping and parlor car accommodations, for the entire journey under their orders, and the transportation so furnished shall be a charge against the officer's mileage account, to be deducted at the rate of three cents per mile by the paymaster paying the account, the amount so deducted to be turned over to an authorized officer of the Quartermaster's Department for the credit of the appropriation for the transportation of the Army and its supplies.

Under this proviso the Quartermaster's Department is entitled to be reimbursed at 3 cents per mile for transportation furnished over any railroad over which it is not by law or agreement required to furnish transportation at the expense of it own appropriations, as, for instance, an officer receiving transportation from New York to San Francisco, distance 3,269 miles, of which 2,357 miles is either free, bond-aided, or agreement railroad, and 912 miles is, to use a convenient term, commercial line.

The Quartermaster's Department is required by law to furnish from its own appropriations transportation for the 2,357 miles from Chicago to San Francisco and should not be reimbursed therefor, but for the remaining 912 miles from New York to Chicago the Quartermaster's Department should be reimbursed at 3 cents per mile. A mileage account for a journey between the points named under this proviso would be stated as follows:

2,357 miles, at 4 cents per mile	$94.28
912 miles, at 7 cents per mile	63.84
Appropriation charged with	158.12

The officer would receive a check for $130.76, and the paymaster would turn over to a disbursing quartermaster 912×3=$27.36, taking his receipt therefor and filing the same with the voucher. Thus the appropriations for the Pay Department would be charged with the full amount it was liable for and the quartermaster's receipt, filed with or written on the voucher, would show reimbursement of the Quartermaster's Department.

2. Under the third and fourth provisos of the mileage law the Quartermaster's Department furnishes only such transportation as is by law or agreement chargeable to its own appropriations, and for transportation furnished under these provisos would not be reimbursed by the Pay Department. A mileage account between the above-named points would then be stated as follows:

2,357 miles, at 4 cents	$94.28
912 miles, at 7 cents	63.84
Carried to abstract payments	158.12

chargeable to mileage. Nothing to be turned over to the quartermaster.

3. New distance tables are in preparation which will include in the margin distances over all free, bond-aided, 50 per cent, and agreement roads over which transportation must be obtained from the Quartermaster's Department. (*See A. R., 1321.*)

II. Increased Pay for Foreign Service and in the Territory of Alaska.

Under decision of the Comptroller of the Treasury, published in Circular No. 237 (Decision 104), Paymaster-General's Office, officers serving in Porto Rico, Cuba, the Philippine Islands, Hawaii, and the Territory of Alaska receive 10 per cent increase on pay proper (minimum pay of their grade) from and including May 26, 1900, the date of approval of the act. This increase is payable only for service in the places named. It will commence only on the date of arrival therein and cease on the date of departure therefrom, whether under orders or on sick or ordinary leave, but an officer on leave, either sick or ordinary, who does not depart from the place is not deprived of the increase. An officer of the Regular Army serving in the Philippines and holding a higher volunteer commission is entitled to the increase on the pay proper of his volunteer rank. (*See Art. LXXX, A. R.*)

III. Pay for Exercise of Higher Command.

Officers serving in the Philippines and exercising higher command in accordance with the provisions of section 7, act of April 26, 1898, are entitled to the pay of the prescribed command inclusive of June 30, 1900, with the additional 10 per cent increase thereon provided by the act of May 26, 1900; but on and after July 1, 1900, unless higher command be continuous for a period of three months, neither pay for such command nor 10 per cent thereon will be paid.

From and after July 1 payment should not be made for higher command until after the first three months of such command shall have expired, but thereafter the increased pay may be paid monthly. (*See Art. LXXX, A. R.*)

IV. Twenty Per Cent Increase to Enlisted Men.

Enlisted men serving in Porto Rico, Cuba, the Philippine Islands, Hawaii, and the Territory of Alaska will continue to receive the 20 per cent heretofore paid under the act of April 26, 1898, so long as they remain in service in those places, but will cease when they depart therefrom to return to the United States. The allowance of 20 per cent to enlisted men ceases with May 25, 1900, in all parts of the United States except the Territory of Alaska. (*See A. R., 1349.*)

V. Extra-Duty Pay.

The extra-duty pay provided for certain enlisted men on duty at the United States Military Academy at Westpoint, New York, payment of which was prohibited under the act of April 26, 1898, granting 20 per cent increase to all enlisted men, was restored on May 26, 1900, by the operation of the act of that date, and made retroactive to April 26, 1898. (*See A. R., 164.*)

CIRCULAR No. 22.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, July 11, 1900.

By direction of the Secretary of War, the following instructions are published for the information and government of all concerned:

Recruits are required in large numbers for the artillery, and recruiting officers will be constant in their efforts to obtain suitable men for that arm. Great care must be taken, however, to see that the Army Regulations and the published instructions governing the examination of applicants for enlistment are strictly observed, and that no recruit be accepted who is not qualified in all respects to perform the duties of a soldier.

To meet the special requirements of the artillery, recruits for that arm should be young active men of a good degree of intelligence, and a large proportion of those enlisted for the heavy artillery should, in addition, possess a fair knowledge of arithmetic.

Under paragraph 855 of the Regulations post recruiting officers will endeavor to fill vacancies in batteries serving at their respective posts and, when authorized by their department commander, in batteries serving at other posts in the same territorial department. When there are no such vacancies in a department located within the United States the post recruiting officer in such department will report desirable applicants for the artillery to the Adjutant-General of the Army, by telegraph if necessary, requesting authority for their enlistment for "light artillery" or "heavy artillery," as the case may be, and stating the preference, if any, of each applicant for a particular battery. In every such case the applicant will be subjected to the required examination before application is made for special authority for his enlistment, and it should be stated in the application that he has passed the required examination.

Recruiting officers at city stations receive instructions from time to time from the Adjutant-General's Office regarding enlistments for particular artillery regiments or batteries. Desirable applicants for the artillery not covered by such instructions will be reported by them, after due examination, to the Adjutant-General of the Army with a view to obtaining special authority for their enlistment. (*See A. R., 855.*)

CIRCULAR, No. 23.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, July 13, 1900.

* * * * * * *

II. The following decision has been made and is published to the Army for the information of all concerned:

SAVINGS ON RATIONS.—Savings will hereafter not be allowed on the article canned salmon, made a component part of the meat ration by paragraph 2, General Orders, No. 65, June 7, 1898, from this office.—(*See A. R., 1253.*)

CIRCULAR, No. 24.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, July 24, 1900.

The following decision has been made and is published to the Army for the information and guidance of all concerned:

The provisions of paragraph 1119 of the Regulations as amended by General Orders, No. 7, January 14, 1899, from this office, authorizing transportation by the Quartermaster's Department from initial point to port of embarkation and from port of destination to garrison station of three times the regular allowance of personal property for officers when embarking under orders for extended service over the sea for duty, are extended to officers who are ordered to duty in Alaska or the island of Guam, and the same transportation allowance will be granted to officers on change of station in Cuba, Porto Rico, the Philippine Islands, Hawaii, Alaska, and Guam, and on return to the United States.

CIRCULAR, No. 25.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, July 25, 1900.

1. The large number of applications received from commanding officers of regiments, posts, and others for files of general orders and circulars issued from this office requires that special attention be invited to paragraph 778 of the Regulations and that strict compliance therewith be enjoined.

Under the present system adopted for the distribution of orders and circulars, division and department commanders are furnished such number of copies as they may deem necessary to supply all the officers on duty at their headquarters and a surplus number to meet special demands.

Commanding officers of posts are furnished 1 copy for personal file, 1 for post file, 2 for each company (1 for the captain's personal file and the other for the company file), and 15 copies for regimental field officers and the post staff (excepting the surgeon, quartermaster, and commissary, who are supplied through their respective departments).

Commanding officers of regiments serving at military posts are furnished 5 copies for the regimental files in addition to the number furnished them as post commanders. When a regiment is serving in the field 40 copies are furnished regimental headquarters, 1 copy each for battalion commanders and battalion adjutants, 2 copies for companies, and remaining number for colonel, lieutenant-colonel, staff, and surplus.

Officers of the staff departments are furnished copies through the chiefs of their respective departments.

2. SPECIAL ORDERS.—Seven full copies of special orders are furnished to the headquarters of each military division and department. These are intended for the department commander, adjutant-general, inspector-general, judge-advocate, chief quartermaster, chief commissary, and chief surgeon. The chief paymaster is furnished a copy through the Paymaster-General of the Army.

Extracts of special orders are furnished to all concerned only, either direct or through the immediate commander.

3. To meet the requirements of this office commanding generals of military divisions and departments will hereafter furnish this office the following number of copies of orders and circulars, 3 copies to be official, as soon as issued from their headquarters:

General orders and circulars	15 copies.
Special orders	7 copies.
Roster of troops	15 copies.
Index to general orders and circulars	10 copies.
Index to special orders	5 copies.

The commanding generals of the Division of the Philippines and of Cuba will furnish twice the number indicated above, and also 30 copies of all orders and circulars relating to civil affairs issued by them.

Commanding officers of military districts and separate brigades will forward 2 copies of all orders and circulars as soon as issued from their headquarters.

4. For convenience and uniformity all printed orders and circulars should be the size of the general orders issued from this office, and those in manuscript upon letter-size paper, leaving a margin of 1¼ inches for binding. (*See A. R., 778 and 782.*)

CIRCULAR, No. 26.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, July 31, 1900.

The following decisions have been made and are published to the Army for the information and guidance of all concerned:

I. VETERINARIANS AND VETERINARY SURGEONS.—The veterinarians appointed under the provisions of the act of Congress approved March 2, 1899, will continue to be known and designated in orders, correspondence, and official publications as "veterinarians, first class," and "veterinarians, second class," respectively, in accordance with the terms of said act and the appointments issued thereunder.

The term "senior veterinary surgeons," as used in the army appropriation act of May 26, 1900, is held to mean veterinarians of the first class, and the term "junior veterinary surgeons" to mean veterinarians of the second class. The act last cited does not repeal the act of March 2, 1899, nor make any change in the allowance of employees of this class, except in the allowance for clothing to veterinarians of the second class. For subsistence a veterinarian of the second class is entitled to a ration in kind or to commutation of rations at the same rate and under the same conditions as is a sergeant-major.—(*See Art. XXVI, A. R.*)

II. EXTRA COMPENSATION TO COOKS.—Paragraph 302 of the Regulations provides for extra compensation to cooks from company and mess funds, and is not in conflict with and has not been revoked by the act of Congress approved March 2, 1899, published in General Orders, No. 36, of 1899, Adjutant-General's Office.—(*See A. R., 302.*)

CIRCULAR, No. 27.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, August 10, 1900.

By direction of the Secretary of War, the following decision of the Comptroller of the Treasury, of July 21, 1900, concurring in an opinion of the Judge-Advocate-General, is published for the information and guidance of all concerned, in connection with Circulars, No. 55, paragraph 2, November 23, 1899, and No. 26, paragraph 1, July 31, 1900, from this office:

VETERINARIANS—TRAVEL ALLOWANCES.—"Section 2 of the act of Congress entitled 'An act for increasing the efficiency of the Army of the United States and for other purposes,' approved March 2, 1899, provides: 'That each regiment of cavalry shall consist of * * * two veterinarians, * * *: *Provided*, * * * Of the veterinarians provided for in this act, one shall have the pay and allowances of a second lieutenant of cavalry and one shall have the pay of $75 per month and the allowances of a sergeant-major.'

"Veterinarians under this act are appointed by the Secretary of War, and I am of the opinion that their allowances are fixed by the statute quoted (save as to money allowances of clothing for junior veterinary surgeons, as provided in appropriation act for the support of the Army, approved May 26, 1900). Consequently, while traveling under proper orders, veterinarians of the second class should be furnished with a transportation request and be given commutation of rations, being governed by the same rules as in case of a sergeant-major. In case of a veterinarian of the first class traveling under proper orders without troops, he should receive mileage the same as a second lieutenant." (*See Art. XXVI, A. R.*)

CIRCULAR, No. 28.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, August 11, 1900.

By direction of the Secretary of War, paragraph 1, heading "Mileage," Circular No. 21, July 5, 1900, from this office, is recalled, and the following letter of the Comptroller of the Treasury relating to the subject "Mileage to officers, etc.," is published to the Army for the information and guidance of all concerned:

TREASURY DEPARTMENT,
OFFICE OF THE COMPTROLLER OF THE TREASURY,
Washington, D. C., July 18, 1900.

The Honorable the SECRETARY OF WAR.

SIR: By your reference I have received a letter, dated June 15, 1900, addressed to you by the Quartermaster-General United States Army, in which my decision is requested as to the proper construction of the act of May 26, 1900 (Public—No. 123, p. 6), under the heading of "Mileage to officers, etc."

The Quartermaster-General refers only to the second proviso under this heading, but for a clear understanding of the questions presented it is necessary to consider the provision as a whole, which is as follows:

"For mileage to officers and contract surgeons, when authorized by law, five hundred thousand dollars: *Provided*, That officers so traveling shall be paid seven cents per mile and no more; distance to be computed and mileage to be paid over the shortest usually traveled routes, with deduction as hereinafter provided; and payment and settlement of mileage accounts of officers shall be made according to distances computed over routes established and by mileage tables prepared by the Paymaster-General of the Army under the direction of the

Secretary of War; and all payments made by paymasters on account of mileage previous to the passage of this act shall be settled in accordance with distance tables officially promulgated and in use at date of payment: *Provided further*, That officers who so desire may, upon application to the Quartermaster's Department, be furnished with transportation requests, exclusive of sleeping and parlor-car accommodations, for the entire journey under their orders; and the transportation so furnished shall be a charge against the officer's mileage account to be deducted at the rate of three cents per mile by the paymaster paying the account, the amount so deducted to be turned over to an authorized officer of the Quartermaster's Department for the credit of the appropriation for transportation of the Army and its supplies: *And provided further*, That when the established route of travel shall, in whole or in part, be over the line of any railroad on which the troops and supplies of the United States are entitled to be transported free of charge, or over any of the bond-aided Pacific railroads, or over the railroad of any railroad company which by law or agreement is entitled to receive only fifty per centum of the compensation earned by such company for transportation services rendered the United States, officers traveling as herein provided for shall, for the travel over such roads, be furnished with transportation requests, exclusive of sleeping and parlor-car accommodations, by the Quartermaster's Department: *And provided further*, That when transportation is furnished by the Quartermaster's Department, or when the established route of travel is over any of the railroads above specified, there shall be deducted from the officer's mileage account by the paymaster paying the same three cents per mile for the distance for which transportation has been or should have been furnished."

The Quartermaster-General submits two questions, which may be stated as follows:

1. What portion of the 3 cents per mile withheld from an officer's mileage account, in cases where transportation has been or should have been furnished, shall be turned over to an authorized officer of the Quartermaster's Department for credit of the appropriation for transportation of the Army and its supplies?

2. Is the money so turned over and credited to the appropriation for transportation of the Army and its supplies available for use to meet expenses incurred during the current fiscal year, notwithstanding it may operate to increase the appropriations for transportation?

The leading propositions of this act are the allowance of mileage at 7 cents per mile on distances computed over routes established by the Paymaster-General with deductions which will now be considered.

It will be necessary to consider the second, third, and fourth provisos together in order to arrive at a conclusion which will give effect to all.

The language of the second proviso is plain and unambiguous and leaves no room for construction. It provides that "officers who so desire may, upon application to the Quartermaster's Department, be furnished with transportation requests * * * for the entire journey under their orders," and then the act provides that "the transportation so furnished shall be a charge against the officer's mileage account, to be deducted at the rate of three cents per mile," * * * without regard to whether the actual cost to the United States is more or less than 3 cents per mile.

This proviso further requires that—

"The amount so deducted to be turned over to an authorized officer of the Quartermaster's Department for the credit of the appropriation for the transportation of the Army and its supplies."

There is no qualification about this direction in respect to the roads over which the journey was made, or doubt as to the amount to be turned over to the Quartermaster's Department, or the appropriation to be credited. It is no concern of the executive branch of the Government whether this credit augments the appropriation for transportation or depletes it. The direction is specific and precludes inquiry into results.

The third proviso is supplemental to the second. The second left it optional with the officer to obtain requests or not, without reference to aided or nonaided roads; if he did obtain them the prescribed results follow as a matter of law. The third proviso is mandatory and requires—

"That when the established route of travel shall, in whole or in part, be over the line of any railroad (all classed as aided roads for brevity's sake) * * * officers traveling as herein provided for shall, for travel over such roads, be furnished with transportation requests * * * by the Quartermaster's Department."

This proviso is plain and is not in conflict with the second.

When the route of travel established by the Paymaster-General leads over any of the aided roads (as above defined) officers traveling are required to use those roads and obtain requests over the same.

The fourth proviso requires—

"That when transportation is furnished by the Quartermaster's Department, or when the

established route of travel is over any of the railroads above specified (aided roads), there shall be deducted from the officer's mileage account by the paymaster paying the same three cents per mile for the distance for which transportation has been or should have been furnished."

There is nothing in this proviso in conflict with the second. It is also supplemental to the second proviso. The second is general in its scope and purpose, providing that when transportation is furnished (without specifying particular roads) the deduction shall be made and the credit mentioned therein shall be given. The fourth proviso requires the prescribed deduction when the established route of travel is over particular roads whether transportation is furnished or not. This proviso being supplemental to the second, the amount deducted must, of necessity, follow the course prescribed in the second and be credited to the appropriation for transportation of the Army and its supplies in all cases where the Quartermaster's Department furnished transportation. If transportation has not been furnished, the deduction must still be made if the route of travel is over aided roads, but neither of the provisos requires this reduction to be credited to the appropriation for transportation.

Specifically replying to question 1, I have to say that the full 3 cents per mile deducted from the officer's mileage account must be turned over to the Quartermaster's Department and credited to the appropriation for transportation of the Army and its supplies in all cases where that Department has furnished the transportation, and this, too, without regard to the class of roads over which the transportation has been furnished.

If transportation is not furnished by the Quartermaster's Department, its appropriation is not entitled to any credit.

Replying to question 2, I have to say that the money turned over to an author zed officer of the Quartermaster's Department and credited to the appropriation for transportation of the Army and its supplies will be available for use to the same extent that it would be if it had been regularly appropriated.

The Quartermaster-General comments upon the seeming incongruity and illegality of crediting the appropriation for "transportion of the Army and its supplies" when the transportation in kind is furnished over bond-aided roads, inasmuch as that appropriation is never used to pay for said transportation, the appropriation actually used in such cases being the one known as "Army transportation, Pacific railroads." (*See* act of March 3, 1879, 20 Stat., 420.)

It may be difficult to reconcile this with our ideas of correct business methods, just as it is to explain why the matter of mileage to officers should be intrusted to two different departments of the Army, each contending with the other against the depletion of its appropriation in the settlement of the officer's accounts. With this, however, we have nothing to do; the law so requires, and that precludes discussion as to the wisdom or expediency of the method prescribed.

The inclosures are returned.

Respectfully,

L. P. MITCHELL, *Acting Comptroller.*

(*See A. R. 1321.*)

CIRCULAR, No. 29.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, August 22, 1900.

The following decisions have been made and are published to the Army for the information and guidance of all concerned:

1. COURTS-MARTIAL.—When records of trial by general courts-martial are written on the typewriter the copyable ribbon will be used when practicable, as this will save labor in making the copies required to be furnished under the one hundred and fourteenth article of war. (*See article of war 114.*)

2. FUEL.—Under paragraph 998 of the Regulations the Quartermaster's Department may sell fuel to contract surgeons and to families of officers who are temporarily absent, or who are on duty abroad or in Alaska, on the written certificate of the officer that the amount of his allowance covered by the certificate will not be otherwise drawn by him. (*See A. R., 998.*)

CIRCULAR, No. 30.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, August 31, 1900.

By direction of the Secretary of War, the following decision of the Comptroller of the Treasury is published to the Army for the information and guidance of all concerned:

TREASURY DEPARTMENT,
OFFICE OF THE COMPTROLLER OF THE TREASURY,
Washington, D. C., August 22, 1900.

The Honorable the SECRETARY OF WAR.

SIR: By your reference I have received a letter dated August 18, 1900, addressed to you by the Surgeon-General United States Army, as follows:

"Section 3 of the act of February 24, 1897 (29 Stat. L., 592), provides that any State or Territory may purchase for the use of its national guard 'such stores and supplies from any department of the Army as, in the opinion of the Secretary of War, can be spared.' A number of applications to purchase supplies from the Medical Department have been filed under this act, but heretofore the conditions of the service have not warranted favorable action thereon. Such applications will doubtless be made hereafter from time to time. With a view to appropriate action thereon, I have the honor to request that the decision of the Comptroller of the Treasury be obtained as to whether the proceeds of such sales can be deposited to the credit of the appropriation from which purchased, or whether they must be covered into the Treasury as 'Miscellaneous receipts.'"

A complete answer to the question propounded will be found in 4 Comp. Dec., 688, the substance of which is that the proceeds of Government property sold to a State must be covered into the Treasury under the head of "Miscellaneous receipts." (*See also* 5 Comp. Dec., 229-230.)

Particular attention is invited to the provisions of Circular No. 120 of 1887, which will be found quoted in 5 Comp. Dec., 338.

The inclosure is herewith returned.

Respectfully, L. P. MITCHELL, *Assistant Comptroller.*

NOTE.—The provisions of Circular No. 120 of 1887, First Auditor's Office, Treasury Department, are: "Hereafter vouchers for services rendered or supplies furnished by one department, bureau, or office to another department, bureau, or office must be sent directly to the Treasury Department for settlement, or the amount deposited to the credit of the proper appropriation, taking certificates of deposit for the same, one of which must accompany the voucher."

(*See A. R., 615.*)

CIRCULAR, No. 31.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, September 11, 1900.

The following decision has been made and is published to the Army for the information and guidance of all concerned:

STATUS OF SQUADRON AND BATTALION SERGEANT-MAJORS.—The term "regimental noncommissioned staff officer" in paragraph 241 of the Regutions, as amended by General Orders, No. 116, June 24, 1899, from this office, is construed to include squadron and battalion sergeant-majors authorized by the act of Congress approved March 2, 1899, as published in General Orders, No. 36, March 4, 1899, from this office.

CIRCULAR, No. 32.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, September 27, 1900.

By direction of the Acting Secretary of War, the following decision of the Comptroller of the Treasury in regard to the disposition of the proceeds

of sales of supplies is published to the Army supplementary to the decision on the same subject published in Circular, No. 30, August 31, 1900, from this office:

TREASURY DEPARTMENT,
OFFICE OF COMPTROLLER OF THE TREASURY,
Washington, D. C., September 19, 1900.

The Honorable the SECRETARY OF WAR.

SIR: By your reference I have received a letter dated August 18, 1900, addressed to you by the Surgeon-General of the United States Army, as follows:

"Section 3 of the act of February 24, 1897 (29 Stat. L., 592), provides that any State or Territory may purchase for the use of its national guard 'such stores and supplies from any department of the Army as, in the opinion of the Secretary of War, can be spared.' A number of applications to purchase supplies from the Medical Department have been filed under this act, but heretofore the conditions of the service have not warranted favorable action thereon. Such applications will doubtless be made hereafter from time to time. With a view to appropriate action thereon I have the honor to request that the decision of the Comptroller of the Treasury be obtained as to whether the proceeds of such sales can be deposited to the credit of the appropriation from which purchased, or whether they must be covered into the Treasury as 'Miscellaneous receipts.'"

In a letter to you from this office dated August 22, 1900, in reply to a request for a decision in the above matter, it was stated that—

"A complete answer to the question propounded will be found in 4 Comp. Dec., 688, the substance of which is that the proceeds of Government property sold to a State must be covered into the Treasury under the head of 'Miscellaneous receipts.'" (*See also* 5 Comp. Dec., 229, 230.)

Since the above decision was written my attention has been called to the following provision in the Army appropriation act of March 15, 1898 (30 Stat. L., 326):

"And the cost of all stores and supplies sold to any State or Territory under section three of the act approved February twenty-fourth, eighteen hundred and ninety-seven (page five hundred and ninety-two, volume twenty-nine, Statutes at Large) shall be credited to the appropriation from which they were procured, and remain available to procure like stores and supplies for the Army in lieu of those sold as aforesaid."

In view of the provisions of the act last quoted, I have the honor to advise you that the proceeds of such sales as are described in the letter of the Surgeon-General should be deposited to the credit of the appropriation from which the supplies sold have been purchased. This letter will take the place of my letter to you of August 22 on the same subject.

Respectfully,

L. P. MITCHELL, *Assistant Comptroller.*

(*See A. R., 615.*)

CIRCULAR, No. 33.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, September 29, 1900.

The following decision has been made and is published to the Army for the information and guidance of all concerned:

STATUS OF ACTING ASSISTANT SURGEONS.—It has never been held that the contract of an acting assistant surgeon to perform the duties of a medical officer agreeably to Army Regulations restricts his duties to those of a purely professional character, but, on the contrary, his eligibility for duty is the same as that of an assistant surgeon, except in so far as it is limited by the fact that he is not a commissioned officer. An acting assistant surgeon is accordingly not eligible for detail on courts-martial, but he may be detailed on councils of administration, as member of boards of survey, and as post treasurer, etc. (*See article of war 75, and A. R., 288 and 709.*)

CIRCULAR, No. 34.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, October 6, 1900.

I. So much of paragraph 1, Circular No. 25, July 25, 1900, from this office, as relates to the distribution of genéral orders and circulars to commanding officers of posts is amended to read as follows:

Commanding officers of posts are furnished 1 copy for personal file, 1 for post file, 2 for each company (1 for the captain's personal file and the other for the company file), and 15 copies for regimental field officers and the post staff (excepting the surgeon and quartermaster, who are supplied through their respective departments).

Post commissaries will therefore be supplied with copies of orders by post commanders. (*See A. R., 778.*)

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CIRCULAR, No. 36.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, October 18, 1900.

By direction of the Secretary of War, so much of his decision published in paragraph 1, Circular No. 37, September 16, 1898, from this office, as authorizes payment of travel allowances to a commissioned officer traveling on duty under orders with less than three enlisted men as "traveling without troops," is revoked, in view of the following decision of the Comptroller of the Treasury, which is published for the information and guidance of all concerned:

An officer who is on duty with one or more enlisted men, or who travels on duty under orders with one or more enlisted men, is on duty or traveling with troops, and is therefore not entitled to commutation of quarters or mileage under existing laws.

TREASURY DEPARTMENT,
OFFICE OF COMPTROLLER OF THE TREASURY,
Washington, D. C., October 6, 1900.

The Auditor for the War Department has transmitted to this office the following decision for approval, disapproval, or modification:

"Claims have been presented to this office by William L. Hillyer, first lieutenant, Fourth Virginia Volunteers, and Edgar Hayes, first lieutenant, Second Alabama Volunteers, the former claiming one month's extra pay under the act of January 12, 1899, and the latter mileage from Jasper, Ala., to Miami, Fla.

"The officer first named was enrolled April 25, 1898, and was mustered out with his company April 27, 1899. He was on detached service, recruiting, from June 12 to September 15, 1898, by authority of Special Orders, No. 9, Seventh Army Corps, of June 9, 1898, which directed officer and five enlisted men to proceed to Newport News, Va., for the purposes named in the order.

"The officer last named was enrolled May 24, 1898, and was mustered out with his company October 31, 1898. He was on detached service, recruiting, from June 19 to on or about July 23, 1898, by authority of Special Orders, No. 1, headquarters Second Alabama Volunteers, of June 18, 1898, which directed officer and two enlisted men to proceed to Jasper, Ala., for the purposes named in the order.

"Lieutenant Hillyer was paid commutation of quarters covering the period from June 13 to August 31, 1898, and Lieutenant Hayes was paid commutation of quarters covering the period from June 21 to July 20, 1898, and mileage from Mobile, Ala., to Jasper, Ala., the place to which assigned for recruiting duty.

"The question arises in both cases as to whether the officers were on duty or traveling on duty under orders without troops within the meaning of the laws relating to commutation of quarters and mileage.

"The laws relating to commutation of quarters require that an officer, to be entitled thereto, must be on duty without troops at the station where there are no public quarters or where the public quarters are inadequate. The laws relating to mileage require that an officer, to be entitled thereto, must travel on duty under orders without troops.

"I am of the opinion, and so decide, that an officer who is on duty with one or more enlisted men, or who travels on duty under orders with one or more enlisted men, is on duty or traveling with troops, and is therefore not entitled to commutation of quarters or mileage under existing laws. In the case of Lieutenant Hayes the mileage claim and mileage payment are open to the further objection that under the regulations the regimental commander would appear to have no authority to issue orders which would carry mileage.

"The authority under which both of the officers named were detailed on recruiting service was General Orders, No. 61, of June 1, 1898. Attention is invited to Circular No. 37, War Department, of September 16, 1898, in which the Secretary of War decided that an officer traveling on duty under orders with less than three enlisted men was to be regarded as traveling without troops, and that an officer traveling with three or more enlisted men was to be regarded as traveling with troops."

Except as to officers temporarily absent from their stations, for whom provision is made in the act of February 27, 1893 (27 Stat. L., 480), whose rights are not involved in the matter under consideration, the laws in force since July 1, 1880, have clearly precluded payment of commutation of quarters to officers on duty with troops.

The army appropriation act of May 4, 1880 (21 Stat. L., 111), and subsequent acts prior to July 5, 1884, made appropriation—

"For commutation of quarters for officers on duty without troops at places where there are no public quarters."

In the acts from July 5, 1884 (23 Stat. L., 108), to September 22, 1888 (25 Stat. L., 483), the words "commissioned officers" was substituted for the word "officers," and in the acts from March 2, 1889 (25 Stat. L., 827), to May 26, 1900 (31 Stat. L., 209), the appropriations have been—

"For commutation of quarters to commissioned officers on duty without troops at stations where there are no public quarters."

The laws respecting mileage in force from an early date to July 26, 1876, are fairly represented by the act of August 30, 1856 (11 Stat. L., 149), making appropriation—

"For mileage or allowances made to officers of the Army for the transportation of themselves and their baggage when traveling on duty without troops or escorts."

The rate of mileage was fixed by Army Regulations (*see* paragraph 1109, Army Regulations, 1861) until, by section 7, act of July 17, 1862 (12 Stat. L., 594), the rate per mile was fixed by law, and during the period from June 16, 1874 (18 Stat. L., 72), to July 24, 1876 (19 Stat. L., 97, 100), actual expenses only were allowed, but only to officers traveling on duty without troops or escorts.

The laws in force from July 24, 1876, until the act of February 9, 1887 (24 Stat. L., 396), went into effect are represented by section 2, act of July 24, 1876 (19 Stat. L., 97, 100), which, so far as material, is as follows:

"For mileage of officers of the Army when traveling under orders, two hundred and thirty thousand dollars. * * *

"SEC. 2. That when any officer travels under orders, and is not furnished transportation by the Quartermaster's Department, or on a conveyance belonging to or chartered by the United States, or on any railroad on which the troops and supplies of the United States are entitled to be transported free of charge, he shall be allowed eight cents a mile, and no more, for each mile actually traveled under such order, distances to be calculated by the shortest usually traveled route; and so much of section twelve hundred and seventy-three of the Revised Statutes, or of any act as conflicts with the provision of this section, is hereby repealed."

Said act was carried to section 1273, Revised Statutes, second edition, and does not in terms preclude payment of mileage to officers traveling with troops, but the Army Regulations and War Department orders in force during said period required transportation in kind to be furnished all officers traveling with troops.

The act of February 9, 1897 (24 Stat. L., 396), made appropriation "For mileage to officers traveling on duty without troops when authorized by law."

Said limitation of payment of mileage to officers traveling on duty without troops expressly stated in the mileage appropriation laws from 1887 to 1897 was, with certain other limitations of a permanent nature, comprehended in subsequent laws in the phrase—

"For mileage to officers when authorized by law." (Acts of March 15, 1898, 30 Stat. L., 321; May 4, 1898, 30 Stat. L., 392, and May 26, 1900, 31 Stat. L., 210.)

It is well settled that during the past twenty years there has been no law for the payment of commutation of quarters to officers of the Army serving with troops (5 Comp. Dec., 461), and

that since the act of February 9, 1887 (24 Stat. L., 396), supra, took effect there has been no law authorizing payment of mileage to officers of the Army traveling with troops. (6 Comp. Dec., 578.)

The only matter to be decided is the meaning of the term "troops" as used in the laws, supra, providing for payment of commutation of quarters and mileage to officers of the Army. This question has arisen from the fact that payments of mileage have been made by paymasters of the Army in accordance with a decision of the War Department announced in Circular No. 37, dated September 16, 1898, as follows:

"OFFICERS TRAVELING ON DUTY.—A commissioned officer traveling on duty under orders with less than three enlisted men is regarded as traveling without troops within the meaning of the law and regulations applicable to the subject, and is entitled to travel allowances accordingly. An officer traveling under orders with three or more enlisted men is regarded as traveling with troops." (Decision Sec. War—116048 A. G. O., 98.)

The War Department's construction of the act of July 24, 1876, and regulations relative to the transportation of officers while said act was in force were published in General Orders, No. 97, dated September 8, 1876, section 6, part 3, and read as follows:

"Officers traveling with troops are entitled only to transportation in kind (paragraph 1096, Revised Regulations, 1863, and General Orders, No. 3, of 1872).

"'Traveling with troops' in the sense here employed will be regarded as covering all cases of officers included in orders for movement, in whatever manner, of their appropriate commands, or in orders for movement of detachments, escorts, or stores, which proceed by marches, or by transportation belonging to or especially hired for the purpose by the United States; the idea being that in marches the officers should move as do the troops and that where transportation is specially devoted to the movement it is sufficient for all included therein.

"But the term will not be regarded as necessarily covering cases of officers included in the movement by railroad, stage, or like established lines of conveyances, of small detachments of armed or unarmed men, such as guards and nurses for disabled or insane officers or soldiers; escorts for inspectors, paymasters, and others, or the public funds or property in their charge.

"In such cases, and in all cases of individual travel, the authority issuing the order may, if the public economy, interest, or convenience suggest it, prescribe that transportation in kind be furnished to the officer. Such prescription will in all cases be a bar to payment of mileage unless it be shown by certificate of the proper officer of the Quartermaster's Department that the transportation in kind could not be furnished."

But the rules in force when the law expressly precluded payment of mileage to officers traveling with troops have been stated as follows:

"Circumstances of travel for which transportation is contemplated by law and regulations comprehend cases of travel under orders with troops, guards, escort, or supplies, whether in charge of, a part of, or under protection of the same; the established practice being that if transportation has to be provided for any member of a party (large or small), it is to be furnished to all persons comprehended in the terms of the order for the movement. (Paragraphs 1096 and 1109, Revised Regulations, 1863; decision of Paymaster-General in indorsement of August 19, 1871; decision of Second Comptroller in indorsement of February 17, 1872.) Language of all past acts making appropriations for payment of mileage and kindred allowances. (General Orders, No. 3, of 1872.) 'Officers traveling on duty with troops are to be furnished transportation in kind and will not be allowed to draw mileage.' (Note B, paragraph 3, section 6, Circular, No. 98, Paymaster-General's Office, dated April 19, 1873.)

"Officers and others traveling with troops, escorts, or supplies can not claim actual traveling expenses. They are entitled only to transportation provided by the Quartermaster's Department. (Act of June 16, 1874, and General Orders, No. 69, 1874.)

"(a) This applies to all cases of travel under orders with troops, guards, escorts, or supplies, whether in charge of, a part of, or under protection of the same, and without reference to the strength of the party. (Paragraph 1096, Revised Regulations, 1863; Paymaster-General's indorsement, August 19, 1871; Second Comptroller's indorsement, February 17, 1872; paragraph 3, section 6, Circular, No. 103, Paymaster-General's Office, dated August 4, 1874, and Note A.)

The decision of the Second Comptroller of February 17, 1872, above cited, is as follows:

"Lieut. F. H. Hathaway submitted to the Paymaster-General a statement in support of his having drawn $100.70 for mileage, which he has been called upon to refund on the ground that he was 'traveling with troops.'

"Respectfully referred to the Second Comptroller of the Treasury.

"Will the Comptroller concur with this office in making this an exceptional case, as Lieutenant Hathaway appears to have acted in good faith and under orders for travel, which erroneously omitted him in the requirement upon the Quartermaster's Department to furnish transportation in kind?

"Respectfully returned to the Paymaster-General.

"I do not think there is sufficient reason to make Lieutenant Hathaway's case an exception to the general rule. That rule is that mileage shall not be allowed to officers traveling with troops, or in charge of enlisted men to whom the Quartermaster's Department furnishes transportation. This is in entire harmony with the law of July 15, 1870. If an army was moving under orders it would be absurd to say that all the officers were entitled to mileage. If officers travel with enlisted men in their charge it is their duty under the law of July 15, 1870, which contemplates that transportation may be furnished in kind, to apply to the Quartermaster's Department for transportation, and in case it be refused then a claim for mileage would arise. But when transportation in kind is furnished to enlisted men, the officer having them in charge is not entitled to a different status in this respect, so as to give him a legal right to mileage. He partakes of their right to transportation and is not separated from it. Lieutenant Hathaway should be allowed what it would have cost the Quartermaster's Department to have transported him and no more." (Decisions Second Comptroller, vol. 34, pp. 344, 345.)

Said rules and decisions were carried into the Army Paymaster's Manual (April 30, 1898), as follows:

"359. TRAVEL WITH TROOPS.—The prohibition (as to the right to mileage or expenses) applies to all cases of travel with troops, without regard to the strength of the party (note A, paragraph 3, section 3, Circular, No. 103, Paymaster-General's Office). The hardship is recognized, but there is no remedy short of legislation by Congress (B, 1874, Paymaster-General's Office). The practice has been for years to view travel with a single enlisted man as traveling with troops (B, 1875, Paymaster-General's Office); but conducting an insane soldier (there being no other enlisted man in the party) is not traveling with troops (B, 1875, Paymaster-General's Office)."

It is obvious, upon a reading of the whole decision of the Second Comptroller, dated February 17, 1872, supra, that the word "mileage" as used in the clause "then a claim for mileage would arise" was not intended to admit the right of an officer to the amount per mile for distance traveled ordinarily designated as mileage, but to a reimbursement of the amount he was obliged to pay for his transportation, as is clearly shown by the succeeding paragraph of the decision.

In laws granting lands in aid of railroads the provision that the troops of the United States shall be transported thereon free of charge has always been held to apply to the transportation of a single soldier as well as a number of soldiers.

As the payment of mileage is under laws specifying the conditions under which it may be paid, those conditions can not be changed by orders of the Secretary of War.

Excluding the matter of an officer conducting an insane soldier, which will be considered when such a case arises, I am of the opinion that the construction of the mileage laws in force prior to July 24, 1876, and since February 9, 1887, as set forth in section 359, Army Paymaster's Manual, and the decisions to which it relates, supra, holding that traveling on duty with a single enlisted man is traveling with troops within the meaning of the mileage laws, should not be disturbed, and that the order of the Secretary of War announced in Circular No. 37, September 16, 1898, supra, is ineffectual to confer a right to mileage on officers traveling with one or two enlisted men.

Upon the same principle an officer serving with one enlisted man must be regarded as serving with troops and not entitled to commutation of quarters.

The decision of the Auditor that an officer who is on duty with one or more enlisted men, or who travels on duty under orders with one or more enlisted men, is on duty or traveling with troops, and is therefore not entitled to commutation of quarters or mileage under existing laws, is approved.

L. P. MITCHELL, *Assistant Comptroller.*

(*See Art. X, A. R., and A. R. 1117, 1321, 1323, and 1336.*)

CIRCULAR, No. 37.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, October 24, 1900.

By direction of the Secretary of War, the following decision of the Assistant Comptroller of the Treasury is published to the Army for the information and guidance of all concerned:

TREASURY DEPARTMENT,
OFFICE OF COMPTROLLER OF THE TREASURY,
Washington, October 15, 1900.

The honorable the SECRETARY OF WAR.

SIR: I have received by your direction a letter addressed to the Surgeon-General United States Army, on the 3d instant, by Maj. J. B. Girard, surgeon, United States Army, and disbursing officer, inclosing an account of Meyer Brothers Drug Company for 786 gross of bandages, gauze sterilized, delivered to the medical supply depot, United States Army, August 27, 1900. A decision is asked whether the account is payable from the appropriation for the fiscal year 1900 or from that for 1901.

The articles in question were estimated for September 9, 1899, by the medical supply officer at San Francisco as required for the six months ending June 30, 1900, and circular letters of advertisement soliciting proposals were sent out on November 9, 1899. Authority to purchase was given on December 19, 1899, and the order for the goods was made on December 26, 1899. The order required delivery "without delay."

Leaving out for a moment the consideration of the question of contract, it may be said that the foregoing facts clearly indicate that the supplies were purchased for the needs of the fiscal year 1900, and payment therefor should be made from the appropriation for that year. The fact that the articles were not delivered within the fiscal year for which they were purchased does not take the transaction out of the requirements of section 3690 of the Revised Statutes. At the time the supplies were ordered for delivery "without delay" there was no authority to make any purchase on account of the fiscal year 1901. (6 Comp. Dec., 815.)

Referring now to the contract with Meyer Bros. & Co., it is noted that it was executed on January 6, 1900, and was approved by the Surgeon-General on January 18, 1900. Unless the statement made in the order of December 26, 1899, that "a written executory contract with bond will be forwarded for your signature" can be considered as making the order conditional, it is difficult to see how the transaction can be regarded as other than an open-market purchase, without a contract or bond, which might raise some question as to whether the interests of the United States were fully safeguarded in the matter.

Article 4 of the contract requires that "the deliveries on the contract shall, if required, commence on the 16th day of January, 1900." No stipulation is made as to the time of the completion of the contract, which would appear to be an important omission in view of the fact that the purchases were presumably for the service of the fiscal year 1900, and that article 3 of the contract provides a penalty for the failure of the contractors to comply with its stipulation.

Without, however, expressing any opinion on these matters, I return the account with the statement that, if otherwise correct, it may be paid from the appropriation for the fiscal year 1900.

Respectfully,

L. P. MITCHELL, *Assistant Comptroller.*

(*See A. R., 515.*)

CIRCULAR, No. 41.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, November 14, 1900.

The decision of the Major-General Commanding the Army of June 19, 1896, as promulgated in his indorsement of that date, in relation to the disposition of the supplementary report of the post commander, as prescribed by Army Regulations, 875, is published to the Army for the information of all concerned:

SUPPLEMENTARY REPORT UNDER ARMY REGULATIONS, 875.—Respectfully returned to the commanding general, Department of California, with the

instructions of the Assistant Secretary of War that the statements of the post commanders of the Presidio and Angel Island, Cal., upon the irregularities noted at the last annual inspection of the posts should be forwarded at once, and that all such statements of post commanders should be promptly forwarded to the Adjutant-General and transmitted to the Inspector-General of the Army for action and file with the original report.

CIRCULAR, No. 42.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, November 15, 1900.

By direction of the Acting Secretary of War, the following is published to the Army for the information and guidance of all concerned:

The appropriation for the support of the Regular and Volunteer Army for the fiscal year ending June 30, 1901, published in General Orders, No. 76, June 1, 1900, from this office, provides for the payment for extra duty on constant labor for not less than ten days, under the several heads of appropriations for the Quartermaster's Department.

Under appropriation "Incidental expenses" the following payments are authorized:

For labor in the erection of barracks, quarters, and storehouses;

In the construction of roads and other constant labor;

Clerks for post quartermaster;

Prison overseers at posts designated by the Secretary of War for the confinement of general prisoners.

Under "Barracks and quarters" appropriation:

For the construction of temporary buildings and stables;

For repairing public buildings at established posts.

Under "Transportation of the Army and its supplies:"

Driving teams;

Repairing means of transportation;

Train masters;

Labor in opening roads and building wharves.

Under "Construction and repair of hospitals:"

Labor in construction and repairs of hospitals at military posts already established and occupied.

Under "Quarters for hospital stewards:"

Labor in construction (and repairs) of hospital stewards' quarters at military posts already established and occupied.

In order to avoid suspensions and disallowances in the accounts of disbursing officers on account of payments for extra-duty services the utmost care should be observed in the preparation of estimates for funds for this purpose, the report of services on Form 3 (Quartermaster's Department), and the receipt roll, the voucher for payment.

The men should be classified on the Form 3 and on the receipt roll by appropriations, and a full report of the nature of the services should appear on Form 3 in the column "How employed—Remarks."

All information required by the headings and notes on the form should be given.

Much annoyance and correspondence will be avoided by a strict compliance with the laws and regulations on this subject. (*See Art. XXIII, A. R.*)

CIRCULAR No. 43.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, November 26, 1900.

By direction of the Acting Secretary of War, the following decisions of the Comptroller of the Treasury are published to the Army for the information and guidance of all concerned:

TREASURY DEPARTMENT,
OFFICE OF COMPTROLLER OF THE TREASURY,
October 17, 1900.

Charles L. Spalding, formerly hospital steward, Eighth Massachusetts Volunteer Infantry, Spanish war, appeals from settlement, No. 308663, dated March 21, 1900, disallowing his claim for reimbursement for $50, alleged by him to have been expended in traveling to his home and returning thence to his command while absent on furlough.

He was granted an ordinary furlough at Camp Thomas, Ga., from August 6 to September 15, 1898, both dates inclusive, with permission to go to Massachusetts. The furlough was subsequently extended, and he did not join his command until November 17, 1898. He states that transportation was not furnished him to his home at Beverly, Mass., where he went on furlough, and that when about to return to his command he applied for transportation and was refused because the word "sick" was not inserted in his furlough. He contends that it was the intention to have granted him a sick furlough pursuant to General Orders, No. 114, Adjutant-General's Office, 1898, but that the words necessary to characterize it as a sick furlough were unintentionally omitted. His contention is strongly supported by certificates on file from former surgeons of his regiment.

The claim is for transportation provided by himself for going from the camp of his regiment to his home and in returning to his regiment, including sleeping-car fare.

It can make no difference whether the claimant was on ordinary furlough or on sick furlough under General Orders, No. 114. In neither case would he be entitled to reimbursement for cost of transportation to his home and return to his command. (5 Comp. Dec., 470; decision of August 10, 1900, in case of Union Pacific Railway Co.)

The action of the Auditor so far as it disallows the claim is affirmed.

All papers will be returned to the Auditor, except certificate transmitted by Lieut. Col. George W. Baird, which will be returned to him.

L. P. MITCHELL, *Assistant Comptroller.*

(*See A. R., 106.*)

TREASURY DEPARTMENT,
OFFICE OF COMPTROLLER OF THE TREASURY,
Washington, October 19, 1900.

The honorable SECRETARY OF WAR.

SIR: I have received by your direction, per indorsement dated August 16, 1900, a letter from Lieut. Col. George W. Baird to the Paymaster-General requesting a change in my decision dated June 15, 1900 (6 Comp. Dec., 947), relative to the time of beginning and ending of the 10 per cent increase on pay of officers of the Army under the act of May 26, 1900 (31 Stat. L., 211.)

The argument submitted in favor of a change in the decision is as follows:

"The decision as rendered turns upon the question whether the extra 10 per centum is pay or is an allowence. The Comptroller holds that it is an allowance and so is forfeited when the officer is, for any reason, outside of the geographical limits where it accrues.

"The law, however, states specifically 'that hereafter the pay proper of all officers * * * serving * * * shall be increased ten per centum.' (Act May 26, 1900; p. 10, General Orders, No. 76, Headquarters of the Army, June 1, 1900.)

"The language of the act is specific. The increase is 'pay.'

"The application of the law enforces the same idea. If an officer is sentenced to forfeit one-half of his pay, the forfeiture carries one-half of the increase provided by the act of May 26. Such forfeiture, however, does not apply to the allowance provided for officers of the line who are performing duty as acting commissaries of subsistence, the $100 per year extra provided for such officers being considered, as is the extra pay of enlisted men serving in the Quartermaster's Department, an allowance not forfeited by a sentence that provides for the forfeiture of, e. g., 'one-half of the pay.'

"The 10 per centum then is 'pay,' not allowance,' as considered by the Comptroller in the decision before cited.

"But the various acts regarding leave cited by the Comptroller and all published in General Orders, No. 86, Adjutant-General's Office, 1876, provide that for the specified periods of leave the privilege shall be enjoyed "without deduction of pay or 'allowance.'"

"The decision in question, then, takes away from an officer that which the law allows him. The law says that he shall have ordinary leave up to an aggregate of four months and sick leave without limit of time 'without deduction of pay;' the decision says that his pay to the amount of 10 per centum of pay proper is reduced immediately on his passing the border of the specified territory.

"The hardship of the situation is a strong argument in favor of the construction herein advocated if the language of the law even permits it; much more if it requires it.

"Officers whose health is broken by campaigning in an unhealthy climate, others who have the most urgent need to visit the United States after two years and more of absence, are required to lose a part of their pay, besides meeting the great expense of a long journey, if they take advantage of leaves of absence.

"Another consideration that favors the more liberal construction is based on the state of facts set forth in the decision of the Comptroller dated May 28, 1900, being a reversal of the decision of the Secretary of War expressed in General Orders No. 167, of 1898. Under that order the leaves of officers 'serving at stations beyond the limits of the United States' took effect 'on the dates they reach the United States.'

"The decision cited states that the leaves take effect when the officers leave their stations. Thus the journeys to and from the United States are made in the leave period. But an officer on ordinary leave beyond the period specified in the acts published in General Orders No. 86, of 1876, draws but half of his pay.

"If, then, an officer in the Philippines who is entitled to but one month's leave is under the necessity of taking it, he must have a three months' leave to enjoy the one month in the United States, and during the two months occupied in the voyages to and from the United States he will be on half pay—an added reason for the most liberal construction of the act of May 26th consistent with its intent and language."

This argument proceeds upon an assumption that the Comptroller held that the 10 per cent increase was an allowance, and therefore that it could not be paid to officers while on leave of absence, whereas the holding was that the 10 per cent increase on pay proper was by the act given only to officers and enlisted men during the time they are serving in the places named in the act.

The Comptroller said:

"The act does not make any change in the regular pay or allowance of the Army, but makes provision for a special or extra allowance to officers and enlisted men of the Army while they are serving in the places named in the act. It obviously applies only to service rendered on and after the date of the act.

"The provisions of the various laws, to wit, section 11, act of June 20, 1864 (13 Stat. L., 145), section 1265, Revised Statutes, act of May 8, 1874 (18 Stat. L., 43), and act of July 29, 1876 (19 Stat. L., 102), authorizing leaves of absence to be allowed officers for specified periods 'without deduction of pay or allowances,' have not been construed to entitle an officer while on leave to allowances the payment of which was conditioned upon the performance of some particular service, such as payment of $100 a year as acting assistant commissary under section 1261, Revised Statutes, or pay for exercising a higher command under section 7, act of April 26, 1898 (30 Stat. L., 365).

"The 10 per centum increase on pay proper being allowed by the act only to officers serving in the places named therein, I am of the opinion that an officer on duty in one of the places named in the act, who is relieved from duty and given a sick leave or an ordinary leave, is not entitled to the 10 per centum increase in computing his pay after the date on which he leaves the place where the increased pay for service therein is authorized by law. (6 Comp., 948.)"

The provisions of the act in respect to the 10 per cent increase therein provided were special and peculiar, and while the 10 per cent increase would undoubtedly be included in the term "pay" as to officers serving in places named in the act, it would not be included in either of the terms "pay" or "allowances" as to officers not serving in such places.

I find nothing in the argument submitted justifying any change in my decision heretofore rendered upon the questions presented.

Respectfully, L. P. MITCHELL, *Acting Comptroller.*

(*See A. R., 53.*)

TREASURY DEPARTMENT,
OFFICE OF COMPTROLLER OF THE TREASURY,
October 20, 1900.

David Ginkens, by affidavit filed by his attorney, May 16, 1900, appeals from settlement No. 301131, dated February 16, 1900, of the Auditor for the War Department, adjusting his claims arising out of his service as a member of Company M, Fiftieth Iowa Volunteers, Spanish war.

His claim was specifically for pay from April 26 to May 17, 1898, travel pay and subsistence in traveling 118 miles, from Fairfield, Iowa, to Des Moines, Iowa, on first enrollment and in returning from Des Moines to Fairfield on discharge, and he asks for a full accounting, to include any extra pay that might be due him.

The muster-out roll of his company shows that he joined for duty and was enrolled April 29, 1898, at Des Moines, Iowa, promoted to corporal September 1, 1898, and on furlough from September 20 to October 20, 1898, per General Orders, No. 130, Adjutant General's Office, extended to November 1, 1898, and was discharged with his company at Des Moines, Iowa, November 30, 1898. His discharge certificate gives April 26 as date of enrollment. He did not serve beyond the limits of the United States and received one month's furlough under General Orders, No. 130, Adjutant General's Office, of April 13, 1898.

The Auditor allowed him $9.36, pay from April 29 to May 16, 1898 inclusive, and disallowed all the other claims. The claimant contends that he should be allowed traveling allowances from Fairfield, Iowa, to Des Moines, Iowa, and asks a reconsideration of said claim.

He was correctly paid on discharge $10.50 for commutation of rations during furlough and $33.50 on clothing account, less stoppage of $1.38 on account of arms and equipment. He has accepted payment of the amount allowed by the Auditor, and is precluded from obtaining a revision by the Comptroller of that part of the settlement relating to his pay by the following provision of the act of July 31, 1894 (28 Stat. L., 208):

"Any person accepting payment under settlement by an auditor shall be thereby precluded from obtaining a revision of such settlement as to any items on which payment is accepted."

Having received a furlough under General Orders, No. 130, Adjutant-General's Office, 1898, he is not entitled to extra pay.

A note on the muster-out roll states that the company was formerly a National Guard organization, organized at Fairfield, but it does not follow from this fact that the members of the the company enlisted in a body for the United States service at that place. The statement of the muster-out roll, confirmed as it is by the report of the War Department, that the soldier was enrolled at Des Moines, is accepted as true, and having been discharged at place of enrollment no travel allowances are due.

The appeal, so far as it relates to his pay, is dismissed, and the action of the Auditor in all other matters is affirmed.

The papers are returned to the Auditor.

L. P. MITCHELL, *Acting Comptroller.*

(*See A. R., 1385.*)

TREASURY DEPARTMENT,
OFFICE OF COMPTROLLER OF THE TREASURY,
Washington, October 22, 1900.

The Honorable the SECRETARY OF WAR.

SIR: I have by your direction, per the Paymaster-General's indorsement, dated October 1, 1900, a letter dated Santiago, Cuba, July 11, 1900, from W. H. Block, acting assistant surgeon, United States Army, and seventeen other acting assistant surgeons, to the Paymaster-General, as follows:

"We, the undersigned acting assistant surgeons, United States Army, serving in this department, concurring in the belief that we are entitled to the 10 per cent extra pay for officers serving in Cuba, and believing earnestly that we, in all justice and fairness, ought to be entitled to the same, have the honor to request information as to why and for what reason we are ruled out of the benefits derived from the act granting the extra pay. While we are not commissioned officers, we are considered officers, are required to perform the duties of officers, accept and bear the responsibilities of officers, and therefore stand upon the same footing as any officer of the United States Army, and we earnestly and respectfully request that the ruling against us be reconsidered and the allowance granted."

The Paymaster-General in referring the letter to this office says:

"This office has construed the law giving 10 per cent increase to officers serving in the Philippines, Cuba, and Porto Rico as strictly and entirely referring to commissioned officers.

"By the terms of the law, acting assistant surgeons are employed 'at a compensation not to exceed $150 per month,' act approved May 12, 1898."

I am requested to decide the question raised by the petitioners.

Contract surgeons are employed under and their compensation is limited by section 2, act of May 12, 1898 (30 Stat. L., 406), which provides:

"That in emergencies the Surgeon-General of the Army, with the approval of the Secretary of War, may appoint as many contract surgeons as may be necessary, at a compensation not to exceed one hundred and fifty dollars per month."

In all the laws relating to contract surgeons they are clearly distinguished from officers of the Army. See sections 1 and 2, act of May 12, 1898 (30 Stat. L., 406); section 7, act of March 2, 1899, to increase the efficiency of the Army (30 Stat. L., 979), and the acts providing for mileage to officers traveling without troops and to contract surgeons, acts of January 5, 1899, and March 3, 1899 (30 Stat. L., 775, 1068), and act of May 26, 1900 (31 Stat. L., 210).

The act of May 26, 1900 (31 Stat. L., 211), provides:

"That hereafter the pay proper of all officers and enlisted men serving in Porto Rico, Cuba, the Philippine Islands, Hawaii, and in the Territory of Alaska shall be increased ten per centum for officers and twenty per centum for enlisted men over and above the rates of pay proper as fixed by law in time of peace: *Provided further*, That enlisted men receiving or entitled to the twenty per centum increased pay herein authorized shall not be entitled to or receive any additional increased compensation for what is known as extra or special duty."

Section 1342, Revised Statutes, so far as material, provides that—

"The armies of the United States shall be governed by the following rules and articles. The word officer, as used therein, shall be understood to designate commissioned officers; the word soldier shall be understood to include noncommissioned officers, musicians, artificers, and privates, and other enlisted men, and the convictions mentioned therein shall be understood to be convictions by court-martial."

It has been uniformly held that a contract surgeon, also called acting assistant surgeon, is neither an officer nor an enlisted man and is not a member of the Army, but has the status of a civilian employee. (*See* 26 Cl., 302; Digest Second Comp. Dec., vol. 3, secs. 929, 932; 4 Comp. Dec., 631, 632; 5 Comp. Dec., 86, 275; 6 Comp. Dec., 356, 376, 403.)

As a contract surgeon is neither an officer nor an enlisted man he is not entitled to increase pay under the act of May 26, 1900, supra.

Respectfully,

L. P. MITCHELL, *Acting Comptroller.*

(*See A.R., 994.*)

CIRCULAR, No. 45.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, December 1, 1900.

I. By direction of the Secretary of War, the following decision has been made and is published to the Army for the information and guidance of all concerned:

Paragraph III, General Orders, No. 153, August 21, 1899, from this office, so far modifies paragraph 260 of the Regulations as to authorize the appointment of noncommissioned officers by commanding officers of depot battalions, but in no case will any company organization have an excess of noncommissioned officers above that allowed by law, and a noncommissioned officer can not be reduced except as provided for by paragraph 261 of the Regulations. (*See A. R., 260 and 261.*)

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CIRCULAR, No. 46.

HEADQUARTERS OF THE ARMY.
ADJUTANT-GENERAL'S OFFICE,
Washington, December 7, 1900.

By direction of the Secretary of War, the following decision of the Comptroller of the Treasury is published to the Army for the information and guidance of all concerned:

TREASURY DEPARTMENT,
OFFICE OF COMPTROLLER OF THE TREASURY,
Washington, November 24, 1900.

The Honorable the SECRETARY OF WAR.

SIR: I have by your reference of the 12th instant a letter from the Quartermaster-General to you, dated the 10th instant, inclosing a letter of the Paymaster-General, dated October 12, 1900, as follows:

"The Comptroller of the Treasury decided October 6, 1900, as follows:

"'An officer who is on duty with one or more enlisted men, or who travels on duty, under orders, with one or more enlisted men, is on duty or traveling with troops, and is therefore not entitled to commutation of quarters or mileage under existing laws.'

"The above will be published in decision circular from the office of the Adjutant-General of the Army."

Also letter from W. B. Crosby, captain and assistant surgeon, United States Army, to the depot quartermaster, New York City, dated October 20, 1900, as follows:

"I respectfully request that you hire quarters for me, as by decision of the Comptroller of the Treasury of October 6, 1900, a copy of which is inclosed, I am not entitled to commutation of quarters.

"I am stationed at New York City on duty as attending surgeon, and have one hospital steward and one private of the Hospital Corps on duty in my office."

And a letter from F. U. Robinson, captain, Second Cavalry, in charge of recruiting station, 132 Park avenue, dated November 2, 1900, to the depot quartermaster, New York City, as follows:

"I have the honor to state that I was regularly placed on duty as recruiting officer at this station per Special Orders, No. 278, dated Headquarters of the Army, Adjutant-General's Office, Washington, D. C., November 29, 1899, and by a recent decision of the Comptroller of the Treasury commutation of quarters is not allowed me from October 1, 1900.

"In view of the above, I would respectfully ask that quarters in kind be furnished me from that date, or some satisfactory arrangements be made so that I can continue to occupy those that I now have."

In his letter of November 10, 1900, transmitting said letter to you, the Quartermaster-General said:

"I have the honor to submit herewith the applications of Capt. F. U. Robinson, Second Cavalry, recruiting officer at the recruiting station, No. 132 Park avenue, New York City, and of Capt. W. D. Crosby, assistant surgeon, United States Army, stationed in New York City, in charge of the office of the attending surgeon, for hire of quarters for their use while on such duty, there being no public quarters available. These applications are brought forth by the decision of the Assistant Comptroller of the Treasury, dated October 6, 1900, and published in Circular No. 36, current series, Adjutant-General's Office, to the effect that: 'An officer who is on duty with one or more enlisted men, or who travels on duty under orders with one or more enlisted men, is on duty or traveling with troops and is, therefore, not entitled to commutation of quarters or mileage under existing laws.'

"The Comptroller states the principle that an officer serving with one or more enlisted men must be regarded as serving with troops, but leaves undetermined what constitutes service with troops. Line officers on recruiting service in cities and medical officers on duty in cities as attending surgeons have never been considered as on duty with troops in the technical meaning of the word, and commutation of quarters to officers on such duty has been provided for in the annual appropriation bills and paid by the Pay Department ever since commutation of quarters has been authorized by law. The question is respectfully submitted for decision whether officers detailed on duty at the various recruiting stations and as attending surgeons in cities are on duty with the enlisted men who may be stationed at the same points, within the meaning of the decision as rendered by the Comptroller.

"This decision appears to be merely that one or more enlisted men constitute troops within the meaning of the law, and the inference is that they are under the command and on duty with the officer who may be located at the same station. For example: Assistant Surgeon

Crosby is ordered to New York to take charge of the office of the attending surgeon, where he finds a hospital steward on duty; Captain Robinson is directed to proceed to New York City for recruiting service and after arriving there is placed in charge of the station at 132 Park avenue, where he finds one or more enlisted men on duty. These men are not armed and equipped and they could not render the full military service, which troops in the technical military sense are expected to perform. As the station could be maintained without them, the officer thereat being given the necessary clerical assistance by the employment of civilians, while, on the other hand, the station could not be maintained without an officer in charge of it, it would therefore seem that an officer is in charge of and on duty at the station, irrespective of whether any enlisted men are located there to assist him. As a matter of fact, the principal part, if not all, the work of the enlisted men at these recruiting stations and attending surgeons' offices is clerical; military only in the sense that it pertains to the military service, and authorized chiefly as a measure of economy.

"There are other duties on which officers are ordered where their status is similar; as, for instance, the officer on duty at Buffalo at the Pan-American Exposition, officers on duty at the various headquarters, where one or more enlisted men are frequently detailed on clerical duty. Heretofore the allowance to officers for the quarters to which they are entitled, where no public quarters are available, has been paid from appropriations secured annually by the Pay Department for this specific purpose. No appropriation to cover this expenditure has been secured by the Quartermaster's Department, nor even estimated for. The practical result of this decision of the Comptroller, if it is decided that recruiting and other officers at stations where enlisted men are located are on duty with troops within the law as interpreted by the Comptroller, will be to transfer to the Quartermaster's Department an expense for which no provision has been made, cause the use of money which was intended for the construction of barracks and quarters to be used for the rental of officers' quarters, and relieve the Pay Department of an expenditure for which it has secured a specific appropriation. The former Department will thus have a deficiency in its funds to the extent of the amount expended for the hire of these quarters, while the latter Department will have a surplus to be returned to the Treasury.

"The amount expended in either case, whether done by commutation or by the Quartermaster's Department renting quarters, will be practically the same, and the effect of making the change required by the decision will be to add largely to the number of papers and labor necessary to accomplish the same result. The net result will be an increase of cost to the Government.

"To illustrate: An officer on such duty previous to this late decision of the Comptroller entered upon his regular pay voucher the amount of his commutation and the same was paid by the Pay Department at the same time the officer was given his regular monthly salary. The Quartermaster's Department in order to rent quarters for officers will be required to issue vouchers in the name of the person from whom rented, have these signed, and make report of the vouchers and payments, and it should properly make regular leases, which in many instances of temporary duty would be almost impracticable.

"So far as can be ascertained, the amount required for the hire of quarters for the remainder of present fiscal year for officers on detached service at recruiting stations, attending surgeons' offices, and other similar duty will amount to about $18,000.

"It is recommended that the decision of the Comptroller be obtained whether officers on duty at places where there are no public quarters, as recruiting officers, attending surgeons, and other similar duty, where one or more enlisted men are also stationed, are entitled to commutation of quarters or should have quarters hired for them."

In referring the said letter to this office you say—

"Officers on recruiting service detaching them from their commands, surgeons in charge of the offices of attending surgeons in cities, and officers on other similar duty where they have been separated from troops in the technical military use and application of the word, have never been regarded by the War Department as on duty with troops. The Acting Secretary of War is of the opinion that these officers are attached to the stations where they are located, do not exercise any active command, and are not on duty with troops."

The reasons urged for a change of my decision of October 6, 1900, published by order of the Secretary of War in Circular No. 36, dated October 18, 1900, so far as relates to commutation of quarters to officers on recruiting service in cities, surgeons in charge of the offices of the attending surgeons in cities, and officers on other similar duty, are that a practice has sprung up under which such officers have not been regarded as serving with troops in the technical meaning of the word; that the enlisted men under their command or with whom they are serving "are not armed and equipped and could not render full military service which troops in the technical military sense are expected to perform," but are doing clerical duty which

could as well be performed by civilians; that appropriations have been made to cover expenses of commutation of quarters for such officers, but that the appropriation available to hire quarters is insufficient, and that there will be a deficiency estimated at $18,000 in that appropriation for the present fiscal year if the decision is not modified, and that the expense of hiring quarters will be greater than that required for payment of the commutation.

One of the tests, but not the only one, as to whether an officer is on duty with troops, is whether the troops are under his control and subject to his orders. If they are under his immediate control and subject to his orders I think he is on duty with troops, within the meaning of the laws relating to commutation of quarters, regardless of the number of men under his immediate command.

It is not necessary that soldiers be armed and equipped in order that they may be regarded as troops, and an officer does not have to be serving with armed soldiers in order to be serving with troops, any more than an officer has to be actually mounted to be on duty which requires him to be mounted. (*See* Harold v. U. S., 23 Ct. Cls., 295.)

The facts that appropriations for hiring quarters are not sufficient to meet all requirements for the current year and that the expense of hiring quarters will be greater than the amount required to pay commutation of quarters may be good ground for legislation upon the subject, but not for a change in the decision of October 6, 1900.

There would seem to be no more difficulty in providing quarters for officers at recruiting stations than for the enlisted men.

In the cases cited and on the facts stated I am of the opinion that the officers are on duty with troops and are not entitled to commutation of quarters.

In view, however, of the fact that the practice of paying commutation for quarters to officers situated as above described has obtained to a considerable extent and as the question is one of construction and not entirely free from doubt and as there is little difference in expenses to the Government, the decision of October 6, 1900, supra, will not be so applied as to affect payments of commutation of quarters which have been or which should have been made under an established practice prior to due notice of said decision, but the rule laid down in said decision of October 6, 1900, will be applied in accounts for commutation of quarters arising after, say, October 31, 1900, at places where due notice of said decision was received on or before that date.

This rule is the same in principle as that announced in the decision of August 10, 1900, respecting mileage of officers returning from leave of absence. (7 Comp. Dec., 84.)

The letters of Capt. F. U. Robinson and Capt. W. D. Crosby, assistant surgeon, United States Army, with inclosures, are herewith returned.

Respectfully,

L. P. MITCHELL, *Assistant Comptroller.*

(*See Art. X, A. R., and A. R., 1117, 1336.*)

CIRCULAR, No. 47.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, December 8, 1900.

By direction of the Secretary of War, the following decisions of the Comptroller of the Treasury, on the questions whether a veterinarian of the first class is entitled to increase of pay by reason of previous service as an enlisted man of the Army, and whether a veterinarian of the second class is entitled to clothing allowances and 20 per cent increase on his pay as veterinarian for service in the island possessions of the United States or Alaska, are published to the Army for the information and guidance of all concerned:

TREASURY DEPARTMENT,
OFFICE OF THE COMPTROLLER OF THE TREASURY,
Washington, October 31, 1900.

The Honorable the SECRETARY OF WAR.

SIR: I have by your direction, per indorsement of the Paymaster-General, a letter from Maj. Charles H. Whipple, paymaster, United States Army, to the Paymaster-General, requesting a decision upon the question whether Gerald E. Griffin, a veterinarian of the first class, who is entitled, under section 2, act of March 2, 1899 (30 Stat. L., 977, 978), to "the pay and allow-

ances of a second lieutenant of cavalry," is entitled to 10 per cent increase of pay for length of service by reason of his having served five years as an enlisted man in the United States Signal Corps from June 28, 1883, to June 28, 1888.

Section 37, act of March 3, 1863 (12 Stat. L., 737), provided that each regiment of calvary—"shall have one veterinary surgeon, with the rank of a regimental sergeant-major, whose compensation shall be seventy-five dollars per month."

The Revised Statutes provide that—

"SEC. 1094. The Army of the United States shall consist of * * * ten regiments of cavalry * * *

"SEC. 1102. Each regiment of cavalry shall consist of * * * one veterinary surgeon" * * *

The act of March 2, 1899 (30 Stat. L., 977) provides—

"That from and after the date of approval of this act the Army of the United States shall consist of * * * ten regiments of cavalry * * *

"SEC. 2. That each regiment of cavalry shall consist of * * * two veterinarians * * *

"Of the veterinarians provided for in this act, one shall have the pay and allowances of a second lieutenant of cavalry and one shall have the pay of seventy-five dollars per month and the allowances of a sergeant-major:

"*Provided*, That the veterinarian appointed to the first grade shall not be so appointed until he shall have passed an examination, to be prescribed by the Secretary of War, as to his physical, moral, and professional qualifications: *Provided further*, That the veterinarians now in the service who do not pass such competitive examination shall be eligible to the positions of the second class under such rules as are now prescribed by the Regulations."

It is obvious that the term "veterinarian" as used in the act of March 2, 1899, supra, has the same meaning as the phrase "veterinary surgeons" as used in section 37, act of March 3, 1863, and in section 1102, Revised Statutes, and that the regulations referred to are those found in paragraph 182, etc., Army Regulations.

It is only necessary in this case to consider the question whether a veterinarian of the first class, now in service, under the act of March 2, 1899, supra, is entitled to include percentage increase for prior service in the Army in computing his pay. In 5 Comp. Dec., 747, the Comptroller said:

"While the leader of the band, by virtue of this section of the naval personnel act, is to receive the pay and allowances of a lieutenant, he still retains his status as an enlisted man and does not become a commissioned officer. For the purpose of computing his pay I am of opinion that he should be placed in the same position as a first lieutenant in the Marine Corps, and as such should be credited, for purposes of longevity pay, with his prior service in the same manner as a lieutenant in the Marine Corps is credited with prior service."

It has also been decided that a veterinarian of the first class traveling under proper orders without troops is entitled to mileage the same as a second lieutenant. (Dec. July 21, 1900, M. S. D. C., vol. 14, 193.)

Upon the same principle a veterinarian of the first class, duly appointed and serving under the act of March 2, 1899, supra, is entitled to take credit for his prior service in the Army in computing his pay. Upon the facts stated, it appearing that Gerald E. Griffin had previously served five years as an enlisted man in the Army, he is entitled, under the provisions of section 1262, Revised Statutes, as amended by the acts of February 24, 1881 (21 Stat. L., 346), and June 30, 1882 (22 Stat. L., 118), to the pay of a second lieutenant, with 10 per cent increase thereon, by reason of his previous service of five years as an enlisted man.

Respectfully,

L. P. MITCHELL, *Acting Comptroller.*

TREASURY DEPARTMENT,
OFFICE OF THE COMPTROLLER OF THE TREASURY,
Washington, November 28, 1900.

Brig. Gen. A. E. BATES,
Paymaster-General, United States Army.

SIR: I have, per your indorsement of June 6, 1900, a letter from Maj. James W. Dawes, additional paymaster, United States Army, requesting my decision upon the question whether Fred Foster, a second-class veterinarian, Seventh United States Cavalry, is entitled to clothing allowance and to 20 per cent increase on his pay as veterinarian as claimed.

The vouchers presented for payment by said Foster are as follows:

[No. 1.]

The United States to Fred Foster, veterinarian, 2d class, 7th Cav., Dr.

For clothing allowance for nine months and twenty-three days, at the rate of $3.71 per month, from August 9, 1898, to May 31, 1900..... $36.23

I certify that the amount charged in the foregoing account is correct and just.

FRED FOSTER, *Veterinarian, 2d Class, 7th Cav.*

[No. 2.]

The United States to Fred Foster, veterinarian, 2d class, 7th Cav., Dr.

For twenty per cent increase on my pay as veterinarian, 2d class, 7th Cav., from August 9, 1899, to May 31, 1900, nine months and twenty-three days..... $146.00

I certify that the amount charged in the foregoing account is correct and just.

FRED FOSTER, *Veterinarian, 2d Class, 7th Cav.*

The station is stated on said vouchers as Columbia Barracks, Cuba.

In transmitting said vouchers you say—

"That on January 27, 1900, the Secretary of War authorized the payment of $3.71 per month clothing allowance to junior veterinarians, and the act of April 26, 1900, making appropriations for the support of the Army, provided for the monthly payment of clothing allowance at the rate stated.

"Reference is made to question as to additional pay for length of service, to senior veterinarians, submitted March 13 last at the request of Maj. C. H. Whipple, paymaster, United States Army."

The laws materially bearing upon the question under consideration are as follows:

"Each regiment (of cavalry) shall have one veterinary surgeon, with the rank of regimental sergeant-major, whose compensation shall be seventy-five dollars per month. (Sec. 37, act of March 3, 1863; 12 Stat. L., 737.)

"That to the six regiments of cavalry now in service there shall be added four regiments, two of which shall be composed of colored men, having the same organization as is now provided by law for cavalry regiments, with the addition of one veterinary surgeon to each regiment, whose compensation shall be one hundred dollars per month. (Sec. 3, act of July 28, 1866; 14 Stat. L., 332.)

"The Army of the United States shall consist of * * * ten regiments of cavalry * * * (Sec. 1094, Rev. Stat.)

"Each regiment of cavalry shall consist of * * * one veterinary surgeon, with the rank of regimental sergeant-major * * * and the (seventh, eighth) ninth and tenth regiments shall have an additional veterinary surgeon * * * (Sec. 1102, Rev. Stat.)

"That from and after the date of approval of this act the Army of the United States shall consist of * * * ten regiments of cavalry * * *

"SEC. 2. That each regiment of cavalry shall consist of * * * two veterinarians * * *

"Of the veterinarians provided for in this act, one shall have the pay and allowances of a second lieutenant of cavalry, and one shall have the pay of seventy-five dollars per month and the allowances of a sergeant-major: *Provided*, That the veterinarian appointed to the first grade shall not be so appointed until he shall have passed an examination, to be prescribed by the Secretary of War, as to his physical, moral, and professional qualifications: *Provided further*, That the veterinarians now in the service who do not pass such competitive examination shall be eligible to the positions of the second class under such rules as are now prescribed by the regulations. (Act of March 2, 1899; 30 Stat. L., 977.)

"For pay of ten junior veterinary surgeons, nine thousand dollars: *Provided*, That junior veterinary surgeons shall be allowed and paid monthly the sum of three dollars and seventy-one cents during the entire period of their service in lieu of the clothing allowance of a sergeant-major." (Act of May 26, 1900; 31 Stat. L., 209.)

Section 6, act of April 26, 1898 (30 Stat., 365), provides:

"That in the time of war the pay proper of enlisted men shall be increased twenty per centum over and above the rates of pay as fixed by law: *Provided*, That in war time no additional increased compensation shall be allowed to soldiers performing what is known as extra or special duty."

The act of May 26, 1900 (31 Stat. L., 211), provides:

"For additional twenty per centum increase on pay of enlisted men four million five hundred and twenty-four thousand seven hundred and fifteen dollars: *Provided*, That hereafter the pay proper of all officers and enlisted men serving in Porto Rico, Cuba, the Philippine Islands, Hawaii, and in the Territory of Alaska shall be increased ten per centum for officers and twenty per centum for enlisted men over and above the rates of pay proper as fixed by law in time of peace: *Provided further*, That enlisted men receiving or entitled to the twenty per centum increased pay herein authorized shall not be entitled to or receive any additional increased compensation for what is known as extra or special duty."

The act of May 15, 1872 (17 Stat. L., 116), made no change in the status or change of veterinary surgeons (*see* General Orders, No. 51, of 1872), and their status and compensation remained until March 2, 1899, as fixed by the acts of March 3, 1863, and July 28, 1866, supra.

Under said acts it was held that:

"Veterinary surgeons, being neither military officers nor enlisted men, are not entitled to travel-pay on discharge." (Digest Second Comp. Dec., vol. 1, sec. 2087; Man. for the Pay Dept. (1898), sec. 418.)

"A veterinary surgeon, appointed under the act of March 3, 1863 (12 Stat. L., 737, sec. 37), and General Orders, No. 259, Adjutant-General's Office, August 1, 1863, is not an enlisted man, and consequently is not entitled to count the time of such service for bounty." (Digest Second Comp. Dec., vol. 3, sec. 228.)

It is obvious that the term "veterinarian" as used in the act of March 2, 1899, supra, has the same meaning as the phrase "veterinary surgeon" as used in prior laws, supra.

The act of March 2, 1899, supra, changed the compensation of veterinary surgeons, now designated as veterinarians of the first class or as veterinarians of the second class, but did not change the manner of their appointment and did not change their status either to that of commissioned officers or to that of enlisted men, but their status still remains analogous to that of cadets at the United States Military Academy, fixed by law as a part of the Army, although they are neither officers nor enlisted men (Babbitt *v.* U. S., 16 Ct. Cls., 202; U. S. *v.* Morton, 112 U. S., 1), but not a "civil employee," as stated in Circular No. 55, Adjutant-General's Office, of November 23, 1899.

Under the act of March 2, 1899, supra, veterinarians of the second class are entitled to the pay of $75 per month and the allowances of a sergeant-major. Although the phrase "pay proper" has within a few years come to have a more restricted meaning than the word "pay" and the phrase "pay proper" was held in construing section 6, act of April 26, 1898, and the act of May 26, 1900, supra, to mean the minimum pay of the grade (4 Comp. Dec., 668; 6 Comp. Dec., 944), yet the term "pay," when contradistinguished from the term "allowances," has been uniformly held to mean the current monthly pay which the soldier is entitled to receive, including additional pay for length of service, additional pay for reenlistment, and certificate of merit, authorized by sections 1281, 1284, and 1285, Revised Statutes, and the 20 per cent increased pay authorized by the act of April 26, 1898, which became a part of his current monthly pay and did not depend upon the performance of any particular duty, while the term "allowances" has been held to mean all other items of compensation such as extra-duty pay, clothing allowances, etc., not included in the term pay. (16 C. Cls., 491; 2 Comp. Dec., 300; 6 Comp. Dec., 807.)

I think it is clear that the phrase "allowances of a sergeant-major" as used in the act of March 2, 1899, supra, fixing the compensation of veterinarians of the second class, had reference only to such allowances as were not comprehended in the term pay and did not confer upon the veterinarian of the second class any right to increased pay under the acts of April 26, 1898, and May 26, 1900, supra, and as they are not enlisted men they are not entitled to 20 per cent increased pay under either of said acts.

Having decided that veterinarians of the second class are not entitled to the increased pay under the above-mentioned acts because they are not enlisted men, it is not necessary to consider whether the service was rendered in time of war or in the places named in the act of May 26, 1900.

Veterinarians of the second class serving under the act of March 2, 1899, supra, were entitled to the same allowance for clothing as a sergeant-major, but under paragraph 1182 of the Army Regulations no payment on account of clothing could be made until discharge.

The act of May 26, 1900 (31 Stat. L., 209), under the designation "junior veterinary surgeons" makes provision for payment monthly to veterinarians of the second class, of "the sum of three dollars and seventy-one cents during the entire period of their service in lieu of the clothing allowance of a sergeant-major."

The case presented involves the question whether this act is retrospective.

The amount fixed by the law to be paid monthly in lieu of clothing allowance is a close approximation to the average monthly allowance for clothing of a sergeant-major during his

full term of three years, and as the term of service of veterinarians is indefinite it appears to have been the intention of the law in using the language "during the entire period of their service" to make provision for payment of the clothing allowance already due under the act of March 2, 1899, as well as that which should accrue in the future. I am therefore of the opinion that under the said act of May 26, 1900, supra, and under the act of March 2, 1899, supra, payment of the clothing allowance at the rate of $3.71 per month as clothing allowance may be made to veterinarians of the second class for such time as they have been in service as such since March 2, 1899, but the value of clothing drawn in kind should be deducted.

A similar construction was given to section 1 of the act of March 3, 1865 (13 Stat. L., 487), and General Orders, No. 55, War Department, dated April 6, 1865, fixing the commutation for clothing of officers' servants, by the Second Comptroller in his decision dated November 20, 1874, in the case of George W. Bullock, in which it was held that the rate of $6.50 per month fixed by the War Department in said General Orders, No. 55, should be allowed from March 3, 1865.

Upon satisfactory evidence being attached to his voucher showing that Fred Foster was a veterinarian of the second class during the entire period from August 9, 1899, to May 31, 1900, and that he drew no clothing in kind and has been paid no commutation of clothing for said period, the voucher for clothing allowance may be paid.

Said Foster is not entitled to the amount ($146) claimed as 20 per cent increase on his pay.

The vouchers transmitted to this office by you are herewith returned.

Respectfully,

L. P. MITCHELL, *Assistant Comptroller.*

(*See Art. XXVI, A. R.*)

CIRCULAR, No. 48.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, December 14, 1900.

The following decision has been made and is published to the Army for the information and guidance of all concerned:

DISHONORABLE DISCHARGE.—A legal sentence of dishonorable discharge, forfeiture of all pay and allowances due, and confinement at hard labor for a definite period may be mitigated by the authority approving such sentence to confinement at hard labor and forfeiture of all pay and allowances for a period not to exceed the period of confinement awarded in the sentence. (*See Art. of War, 112.*)

CIRCULAR, No. 50.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, December 18, 1900.

By direction of the Secretary of War, Circular, No. 40, dated October 3, 1898, from this office, as modified by circular letter from this office of September 21, 1899, is amended to read as follows, and published to the Army for the information and guidance of all concerned:

An enlisted man of the Regular or Volunteer Army who desires to procure his discharge from the United States service by favor should address a letter to the Adjutant-General of the Army, accompanied by such corroborative data as he may possess, setting forth the reasons upon which he bases his application, and hand or mail it to his company commander, who in turn will forward it through the usual military channels, with recommendation and remark upon the interests of the service involved and the validity of the reasons advanced by the applicant. Applications which do not come forward in this manner will not be entertained.

All applications must be forwarded to the Adjutant-General of the Army

through intermediate commanders, who will approve or disapprove, as provided in Army Regulations, paragraph 765. Such communications, upon return to the commanding officer of the company, constitute a part of the company records, and will not be delivered into the possession of the soldier, who will, however, be properly informed of the final action taken in the case.

Soldiers transferred from one regiment to another at their own request, and soldiers going on furlough, must bear the expense incident thereto, and they are not entitled to Government transportation. (*See also A. R., 140.*)

CIRCULAR, No. 51.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, December 18, 1900.

By direction of the Secretary of War, the following decision of the Comptroller of the Treasury is published to the Army for the information and guidance of all concerned:

TREASURY DEPARTMENT,
OFFICE OF COMPTROLLER OF THE TREASURY,
November 28, 1900.

Matthew J. Lavin, by his attorney, appeals, April 9, 1900, from the action of the Auditor for the War Department in settlement No. 282260, dated November 17, 1899.

His claim was for $15.06, as reimbursement for clothing destroyed at Santiago, Cuba, on August 22, 1898, and was disallowed by the Auditor for the reason that "there is no law authorizing reimbursement for clothing destroyed."

Claimant was enrolled May 4, 1898, as a private in Company E, Ninth Massachusetts Infantry Volunteers, Spanish war, and mustered out as a corporal of the same company, November 26, 1898.

It appears from the affidavits of the claimant and the captain of his company that certain specified articles of clothing were destroyed to prevent the spread of contagion, in accordance with General Orders, No. 33, headquarters Fifth Army Corps, Santiago de Cuba, dated August 12, 1898; that in lieu of the clothing so destroyed one khaki uniform was issued as a gratuitous issue, but was charged to the claimant at $3.53 upon making out the muster-out roll, and was thus included in the settlement of his clothing allowance by an army paymaster.

The company commander, Capt. John J. Barry, states in his affidavit that—

"When we came to make out the muster-out rolls and clothing accounts, Lieutenant Ketchum, Sixth United States Artillery, who was acting as assistant to Lieutenant-Colonel Weaver, who had charge of the mustering out of the regiment, told the captains that the khaki uniforms must be charged to the men and the men afterwards should make individual claims for the value of the property destroyed.

* * * * * * *

"The clothing book of Company E was lost in Cuba with other property, and an affidavit to that effect was made by me to Lieutenant-Colonel Weaver at the muster out of the regiment. All the clothing accounts of the company from the date of landing in Cuba until muster out of regiment were kept on memorandum slips."

General Orders, No. 33, supra, which contemplated a gratuitous issue of clothing, was based upon the following telegram, dated August 11, 1898, sent by the Adjutant-General of the Army to General Shafter:

"The clothing necessary to replace that destroyed, to guard against spread of fever, etc., is to be a gratuitous issue of clothing; you, of course, will give such orders that will best protect the interests of the Government and all concerned."

The only authority for the payment for loss of private property destroyed in the military service of the United States is the act of March 3, 1885 (23 Stat. L., 350), and it is expressly provided therein that said act shall not apply to losses sustained in time of war.

The question arises as to the right of the War Department to order a gratuitous issue of clothing.

The clothing allowance of soldiers of the Army is governed by sections 1296 and 1302 of the Revised Statutes, as follows:

"SEC. 1296. The President may prescribe the uniform of the Army and quality and kind of clothing which shall be issued annually to the troops of the United States.

"SEC. 1302. The money value of all clothing overdrawn by the soldier beyond his allowance shall be charged against him, every six months, on the muster roll of his company, or on his final statements if sooner discharged, and he shall receive pay for such articles of clothing as have not been issued to him in any year, or which may be due to him at the time of his discharge, according to the annual estimated value thereof. The amount due him for clothing, when he draws less than his allowance, shall not be paid to him until his final discharge from the service."

Gratuitous issue of clothing is provided for by section 1298 of the Revised Statutes, as follows:

"The Secretary of War may, on the recommendation of the Surgeon-General, order gratuitous issues of clothing to soldiers who have had contagious diseases, and to hospital attendants who have nursed them, to replace any articles of their clothing destroyed by order of the proper medical officers to prevent contagion."

The section last quoted provides for gratuitous issues of clothing only to "soldiers who have had contagious diseases and to hospital attendants who have nursed them," and does not in terms provide for gratuitous issue to others who have been exposed to contagion, though the spirit of the law might justify the same, the object being the prevention of the spread of contagious diseases.

However, under the law authorizing the President to prescribe the quantity and kind of clothing to be issued to the troops of the United States, it seems proper that he may, either himself or through the Secretary of War acting under his authority, prescribe additional allowances in exceptional cases, such as to those soldiers exposed to an exceptionally rigorous climate, to contagion, etc. Whether the authority for this gratuitous issue is based on section 1296 or 1298, Revised Statutes, it is not material now to discuss. At all events I think there was authority of law for the issue in this case. It appears that gratuitous issue of clothing was ordered by the proper officers of the War Department, and that through some mistaken idea the clothing thus issued was charged to the soldier. It would seem proper that the charge thus made should be canceled and not considered in a settlement with the soldier of his clothing allowance. This appears to be the only allowance that is proper to be made by the accounting officers. There is no authorization of law for the reimbursement for the clothing destroyed, nor any appropriation applicable thereto.

In view of the affidavits of the claimant and of the captain of his company, that the claimant was charged in the settlement of his clothing account by the paymaster for clothing furnished him as a gratuitous issue under orders authorizing such gratuitous issue, the charge thus erroneously made should be cancelled and the amount thus charged allowed the claimant in a final settlement of his clothing account by the auditor for the War Department.

Any right the claimant may have in this matter must be based upon a settlement of his clothing account and not as a reimbursement for clothing destroyed. As such a settlement has not been made by the auditor, this office is without jurisdiction thereon.

Upon a revision of the above-named account, the action of the auditor in disallowing this claim for reimbursement for clothing destroyed is affirmed, and I find and certify no difference, this action to be without prejudice to a settlement of claimant's clothing account by the auditor.

R. J. TRACEWELL, *Comptroller.*

(*See A. R., 1194 and 1442.*)

CIRCULAR, No. 52.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, December 21, 1900.

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II. By direction of the Secretary of War the following is published for the information and guidance of all concerned:

The present practice of settling money accounts of disbursing officers of the Subsistence Department without regard to their bonds having been discontinued by the Auditor for the War Department, every bonded officer of the Subsistence Department who hereafter files a new bond will close his account under his former bond and open a new account under his new bond; this to enable the Treasury Department to definitely fix the responsibility of each bond. (*See A. R., 571.*)

CIRCULAR, No. 53.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, December 22, 1900.

By direction of the Secretary of War the following opinion of the United States circuit court for the District of Nebraska, March 23, 1900, in re Fair et al., is published to the Army for the information of all concerned:

1. COURT-MARTIAL—JUDGMENT—BAR TO CIVIL PROSECUTION.—The finding and judgment of "Not guilty" by a military court-martial is not a bar to the prosecution for the same act by the civil authorities.
2. UNITED STATES ARMY—ORDERS OF OFFICERS—PROTECTION TO PRIVATE.—An order given by a military officer to his private should be obeyed by the private, and will be his full protection in a criminal prosecution, unless the illegality of such order is so clearly shown on its face that a man of ordinary sense and understanding would know when he heard it read or given that the order was illegal.
3. CRIMINAL LAW—FEDERAL AND STATE JURISDICTION.—The Government of the United States and of a State, though exercised within the same territory, occupy different planes, and the criminal laws of the one have no application to acts performed under the authority of the other in respect to matters solely within its control.
4. UNITED STATES ARMY—REGULATIONS.—Laws, rules, and regulations for the efficiency and discipline of the Army of the United States are matters vested by the Constitution solely in the General Government.
5. CRIMINAL LAWS—ACTS OF UNITED STATES AGENTS—JURISDICTION.—An officer or agent of the United States who does an act which is within the scope of his authority as such officer or agent can not be held to answer therefor under the criminal laws of another and different government.
6. ARMY OFFICER—PERFORMANCE OF DUTIES.—The care, judgment, and discretion which should be exercised by an officer of the United States in the performance of his duty as such officer are not to be measured by the criminal laws of a State.
7. SAME—LIABILITY.—When an officer in the performance of his duty under the laws of the United States exceeds his authority he may be sued in the State courts by any person injured by reason thereof, but when the act was done in good faith and without malice he is not liable to a criminal prosecution in such courts.
8. HABEAS CORPUS—REVIEW—DETERMINATION—ACTS OF SOLDIER.—While a United States court will not in a habeas corpus proceeding by an officer of the United States examine the evidence for the purpose of determining whether he should be found guilty or innocent, yet the court may and should examine the evidence for the purpose of determining whether the act alleged to be criminal was done while in the performance of his duty as such officer.
9. SAME.—When an officer of the United States is held in custody by the process of a State court for an act done within the authority conferred upon him by the laws of the United States, the United States Government may protect itself by procuring the release of such officer through its judicial department.

(Syllabus by the court.)

W. S. Summers, United States attorney, and S. R. Rush, assistant United States attorney, for petitioners.

C. J. Smyth. attorney-general, and James Hassett, county attorney, for respondent.

MUNGER, district judge. Samuel Morgan, under charge of having deserted from Troop A of the Eighth Cavalry, United States Army, on the 7th day of September, 1898, was held as a prisoner at Fort Cook, Nebr., on the 17th day of November, 1899. John S. Pryor, a private in the Tenth Infantry, was, on said day, a guard over said Morgan. Morgan, on said day, with another prisoner named Deacon, made an assault on the guard, Pryor, knocking him down, kicking him when down, dismantled the gun of the guard, and attempted escape by flight. William M. Simpson, a sergeant of Company M, Tenth Infantry, who at the time was sergeant of the guard, called upon John S. Fair, a corporal, and Henry H. Jockens, a private, both members of Company M, Tenth Infantry, and who were on guard duty on said day, to pursue and arrest Morgan and Deacon. The order as given was in substance as follows: "Pursue the prisoners. If you sight them and are positive it is the right party, halt them; and if they do not halt, halt them a second time, and, if they do not halt, then fire upon them and fire to hit them." Fair and Jockens pursued the fleeing prisoners through fields and timber until reaching the village of La Platte, some 3 miles from Fort Cook, having in the meantime lost sight of them. On arriving at La Platte Corporal Fair made inquiry to ascertain if there was a marshal, constable, or other peace officer there, and found there was none. He then called up by telephone Lieutenant Welch, at Fort Cook, who was the officer of the day, reported where he was, and his belief that the prisoners were in that vicinity. Lieutenant Welch directed him to notify the civil authorities, and was informed by Fair that he had ascertained there were none there. A few minutes later, while Fair and Jockens were standing in the highway making inquiry for the prisoners of three persons who had just driven up, the prisoner Morgan passed along on the opposite side of the highway. It being the dusk of evening, and Morgan dressed in civilian clothing, they were not positive of his identity, but called upon him to halt, to which no attention was paid, but Morgan continued at a rapid walk. He was commanded the second time to halt, whereupon he turned his face toward them and asked: "What in hell do you want?" Corporal Fair responded: "We want you to halt." Morgan then started on a run, assuming a stooping posture. He was again commanded to halt, but continued to run. Fair and Jockens had in the meantime advanced toward him some 30 or 35 steps. Morgan continuing to run, Corporal Fair gave the command to fire. He and Jockens both fired at Morgan, who was hit, and died some 5 minutes thereafter. For the killing of Morgan, Corporal Fair and Private Jockens were both tried before a general court-martial, convened at Fort Cook, on the charge of "manslaughter, to the prejudice of good order and military discipline," on which trial they were found not guilty. Thereafter a complaint in due form was made before the county judge of Sarpy County, Nebr., charging both Fair and Jockens with the crime of murder in the killing of Morgan. They were duly arrested, an examination had by the county judge, and each held for trial in the district court of Sarpy County, bail being fixed by the county court in the sum of $1,000, which failing to give, they were committed to the custody of the sheriff of the county. Fair and Jockens have petitioned this court for their release, claiming their imprisonment is without the authority of law.

The principal question to be determined is, Has the State court within and for the county of Sarpy, Nebr., jurisdiction to try petitioners for such killing of Morgan as a violation of the laws of the State? If the killing of Morgan was an act violative of the laws of the State, then the State court has jurisdiction, and the petitioners must be remanded to the custody of the sheriff. If, on the other hand, such killing of Morgan was not a violation of the laws of the State, then the State court is without jurisdiction, and the petitioners should be discharged.

Two principles of law discussed on the hearing and applicable to the case are so well and firmly established that no extended citation of authorities is necessary in support thereof. They are: First, that the trial and acquittal of petitioners by the court-martial is not a bar to an inquiry and prosecution by the proper civil authorities (Coleman *v.* Tennessee, 97 U. S., 506, 24 L. Ed., 1118; U. S. *v.* Clark (C. C.), 31 Fed., 710); second, that an act done by an officer or agent of the United States in and about a matter solely within Federal control and in pursuance of an authority given by the laws of the United States is not an offense against the laws of the State (Tennessee *v.* Davis, 100 U. S., 257, 25 L. Ed., 648; *in re* Neagle, 135 U. S., 1; 10 Sup. Ct., 658, 34 L. Ed., 55). Neither can it be denied that, when an officer or agent of the United States is held in custody by the process of a State court for an act done within the authority conferred upon him by the laws of the United States, the United States Government may protect itself by procuring the release of such officer through its judicial department. As was said by Justice Strong in Tennessee *v.* Davis:

> The General Government must cease to exist whenever it loses the power of protecting itself in the exercise of its constitutional powers. It can act only through its officers and agents, and they must act within the States. If, when thus acting, and within the scope of their authority, those officers can be arrested, brought to trial in a State court for an alleged offense against the law of the State, yet warranted by the Federal authority they possess, and if the General Government is powerless to interfere at once for their protection—if their protection must be left to the action of the State court—the operations of the General Government may at any time be arrested at the will of one of its members. * * * We do not think such an element of weakness is to be found in the Constitution. The United States is a Government with authority extending over the whole territory of the Union, acting upon the States and upon the people of the States. While it is limited in the number of its powers, so far as its sovereignty extends it is supreme. No State government can exclude it from the exercise of any authority conferred upon it by the Constitution, obstruct its authorized officers against its will, or withhold from it for a moment the cognizance of any subject which that instrument has committed to it.

Writing for the court in Osborn *v.* Bank, 9 Wheat., 865, 6 L. Ed., 234, Chief Justice Marshall said:

> It is not unusual for a legislative act to involve consequences which are not expressed. An officer, for example, is ordered to arrest an individual. It is not necessary, nor is it usual, to say that he shall not be punished for obeying this order; his security is implied in the order itself. It is no unusual thing for an act of Congress to imply, without expressing, this very exemption from State control, which is said to be so objectionable in this instance. The collectors of the revenue, the carriers of the mail, the mint establishment, and all those institutions which are public in their nature are examples in point. It has never been doubted that all who are employed in them are protected while in the line of duty, and yet this protection is not expressed in any act of Congress. It is incidental to, and is implied in, the several acts by which these institutions are created, and is secured to the individuals employed in them by the judicial power alone; that is, the judicial power is the instrument employed by the Government in administering this security.

With these observations, we now come to a consideration of the question as to whether petitioners, at the time of the shooting of Morgan, were act-

ing within the line of their duty as soldiers in the Army of the United States. The forty-seventh article of war is as follows:

> Any officer or soldier who, having received pay, or having been duly enlisted in the service of the United States, deserts the same shall, in time of war, suffer death or such punishment as a court-martial may direct, and in time of peace any punishment, excepting death, which a court-martial may direct.

Here we find that desertion on the part of the soldier constitutes a serious crime. Such crime, although against the United States, can be punished only by a military court. Soldiers charged with crimes shall be confined until tried by court-martial, or released by proper authority. (Article of War, 66.)

Morgan was in confinement charged with the crime of desertion. By making an assault upon and overpowering the guard he attempted an escape. By the forty-eighth article every soldier who deserts "shall be tried by a court-martial and punished, although the time of his enlistment may have elapsed previous to his being apprehended and tried." It follows, as a natural consequence, that Morgan was subject to be apprehended for the purpose of being dealt with by court-martial.

Were petitioners authorized to make the arrest of Morgan? A deserter may be arrested by a military officer, or by a noncommissioned officer, or private duly authorized to make the arrest. (Davis Mil. Law, 425; Winthr. Mil. Law, 173; Hutchins *v.* Van Bokkelen, 34 Me., 126.) Prior to the act of October 1, 1890, no peace officer or private citizen had authority to arrest and detain a deserter from the Army without the order or direction of a military officer. (Kurtz *v.* Moffitt, 115 U.S., 487, 6 Sup. Ct., 148, 29 L. Ed., 458.) In that case the court said:

> Whether it is expedient for the public welfare and the good of the Army that such an authority should be conferred is a matter for the determination of Congress.

Doubtless, acting upon the suggestion thus expressed in the above case, Congress passed the act of October 1, 1890, the second section of which reads:

> That it shall be lawful for any civil officer having authority under the laws of the United States, or of any State, Territory, or district, to arrest offenders to summarily arrest a deserter from the military service of the United States and deliver him into the custody of the military authorities of the General Government. (26 Stat. L., 648.)

It is urged on the part of the State that, even though an arrest of a deserter might lawfully have been made by military authorities prior to the act of 1890, such authority, if it existed, was taken away by such act, and that the exclusive authority to make such an arrest was vested in civil officers by reason of the maxim, "Expressio unius est exclusio alterius." To this I can not agree. I do not think Congress, by giving permission to civil officers to make arrests of deserters, intended to take away the authority then existing to make such arrests on the part of the officers of the Army, but that the act was intended to enable civil authorities to aid and assist the military in apprehending deserters. While Congress might confer upon the civil authorities of the various States authority to make arrests of deserters against military law, it is equally clear that the duty to make such arrests could not be imposed by Congress upon such authorities. Mr. Black, in his Interpretation of Laws (page 146), says:

> The maxim, "Expressio unius est exclusio alterius," is of very important, though limited, application in the interpretation of statutes. It is useful only as a guide in determining the probable intention of the legislature; and if it should be clearly apparent in any particular case that the legislature did not, in fact, intend that its express mention of one thing should operate as an exclusion of all others, then the maxim must give way.

Finding, then, that petitioners had lawful authority to apprehend Morgan, we come to a consideration of the question as to the right to shoot Morgan in the attempt to secure his arrest. And, if not, was such shooting a crime against the laws of the State? The sixty-ninth article of war imposes upon any officer who permits a prisoner to escape such punishment as a court-martial may direct. To aid military officers in the proper enforcement of the custody of prisoners, rules and orders have been publicly promulgated by the Secretary of War. Such rules and orders have the force and effect of statutory law. As said by the court in U. S. *v.* Eliason, 16 Pet., 291, 10 L. Ed., 968:

The power of the Executive to establish rules and regulations for the government of the Army is undoubted. * * * The power to establish implies, necessarily, the power to modify or repeal, or to create anew. The Secretary of War is the regular constitutional organ of the President for the administration of the military establishment of the nation, and rules and orders publicly promulgated through him must be received as the acts of the Executive, and, as such, be binding upon all, within the sphere of his legal and constitutional authority. Such regulations can not be questioned or denied because they may be thought unwise or mistaken.

In paragraph 297 of the rules and orders publicly issued by the Secretary of War in the Manual of Guard Duty, it is provided:

The sentinel at the post of the guard has charge of the prisoners. He will allow none to escape or to cross his post except under proper guard. * * * If a prisoner attempts to escape, the sentinel will call, "Halt." If he fails to halt when the sentinel has once repeated his call, and if there be no other possible means of preventing his escape, the sentinel will fire upon him.

The following will more fully explain the important duties of the sentinel in this connection:

CIRCULAR.] WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, November 1, 1887.

By direction of the Secretary of War, the following is published for the information of the Army:

Then follows a digest of Circular No. 3, issued by the commander of the Department of the Columbia. indorsement of approval thereof by judge-advocate of the Military Division of the Pacific, and by the major-general in command of that division, from which the following provisions are extracted:

A sentinel is placed as guard over prisoners to prevent their escape, and for this purpose he is furnished a musket with ammunition. To prevent escape is his first and most important duty. I suppose the law to be this: That a sentinel shall not use more force or violence to prevent the escape of a prisoner than is necessary to effect that object; but if the prisoner after being ordered to halt continues his flight, the sentinel may maim or even kill him, and it is his duty to do so. A sentinel who allows a prisoner to escape without firing upon him, and firing to hit him, is, in my judgment, guilty of a most serious military offense, for which he should, and would be, severely punished by a general court-martial.

HENRY A. MORROW,
Colonel Twenty-first Infantry, Commanding Post.

[Indorsement.]

I was not aware that such a view had ever been questioned. That the period is a time of peace does not affect the authority and duty of the sentinel or guard to fire upon the escaping prisoner if this escape can not otherwise be prevented. He should, of course, attempt to stop the prisoner before firing by ordering him to halt, and will properly warn him by the words, "Halt, or I fire," or words to such effect.

W. WINTHROP, *Judge-Advocate.*

[Indorsement.]

Respectfully returned to the commanding general, Department of the Columbia, approving the opinion of the commanding officer, Twenty-first Infantry, and of the judge-advocate of the division, in respect to the duty of, and method to be adopted by, sentinels in preventing prisoners from escaping.

By command of Major-General Schofield:

J. C. KELTON, *Assistant Adjutant-General.*

It may be truthfully said that the construction placed upon the Articles of War, and the rules and regulations promulgated by the Executive through the Secretary of War by the commanding officer of a military department, though approved by the Secretary of War, are not binding upon the judicial department, yet they are entitled to great weight, and to the noncommissioned officer and private soldier ought to be unquestioned when ordered to act in conformity therewith and should be their full protection for so acting.

It is said the foregoing rule only applies when a prisoner is attempting to escape and has no application to the present hearing for the reason that Morgan, at the time he was shot, was not attempting to escape, but had already effected an escape. Even so; yet it is material, in determining the question as to whether the order given by Sergeant Simpson, the officer of the guard, to the petitioners to shoot if the commands to halt were disobeyed, was an order which should have been disregarded by petitioners. The law is that an order given by an officer to his private, which does not expressly and clearly show on its face its own illegality, the soldier is bound to obey, and such order is his full protection. (Riggs *v.* State, 3 Cold., 85; McCall *v.* McDowell, Fed. Cas. No. 8, 673; U. S. *v.* Clark (C. C.), 31 Fed., 710.) In McCall *v.* McDowell it is said:

> Except in a plain case of excess of authority where, at first blush, it is apparent and palpable to the commonest understanding that the order is illegal, I can not but think that the law should excuse the military subordinate when acting in obedience to the orders of his commander. The first duty of a soldier is obedience, and without this there can be neither discipline nor efficiency in an army. If every subordinate officer and soldier were at liberty to question the legality of the orders of the commander, and obey them or not, as they may consider them valid or invalid, the camp would be turned into a debating school, where the precious moment for action would be wasted in wordy conflicts between the advocates of conflicting opinions.[1]

Justice Brewer in re Grimley, 137 U. S., 147; 11 Sup. Ct., 54; 34 L. Ed. 636, said:

> While our Regular Army is small compared with those of European nations, yet its vigor and efficiency are equally important. An army is not a deliberative body. It is the executive arm. Its law is that of obedience. No question can be left open as to the right to command in the officer or the duty of obedience in the soldier.

While I do not say that the order given by Sergeant Simpson to petitioners was in all particulars a lawful order, I do say that the illegality of the order, if illegal it was, was not so much so as to be apparent and palpable to the commonest understanding. If, then, the petitioners acted under such order in good faith, without any criminal intent, but with an honest purpose to perform a supposed duty, they are not liable to prosecution under the criminal laws of the State. In re Lewis (D. C.), 83 Fed., 159, it is said:

> Where an officer, from excess of zeal or misinformation, or lack of good judgment in the performance of what he conceives to be his duties as an officer, in fact transcends his authority and invades the rights of individuals, he is answerable to the Government or power under whose appointment he is acting, and may also lay himself liable to answer to a private individual who is injured or oppressed by his action; yet, where there is no criminal intent on his part, he does not become liable to answer to the criminal process of a different Government.

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[1] See, however, as to civil cases, Bates *v.* Clark, 95 U. S., 204, in which the United States Supreme Court held, in a civil suit for damages, as follows:

"It is a sufficient answer to the plea that the defendants were subordinate officers, acting under orders of a superior, to say that whatever may be the rule in time of war and in the presence of actual hostilities, military officers can no more protect themselves than civilians in time of peace by orders emanating from a source which is itself without authority."

(Remarks of the Judge-Advocate-General, U. S. A., June 11, 1900, on 326105, A. G. O.)

With our complex system of government, State and national, we would be in an intolerable condition if the State could put in force its criminal laws to discipline United States officers for the manner in which they discharge their duties. Or, take it the other way, if the Government of the United States should prosecute as criminals sheriffs and other ministerial officers, justices of the peace, and judges of superior courts for errors of judgment or ignorance, causing blunders in the discharge of their duties, it would bring on a condition of chaos in a short time.

The evidence in this case shows that petitioners acted entirely without malice; that the conditions existing at the place and time of the shooting were such as to cause an honest belief on their part that Morgan would, in all probability, effect his escape unless disabled; that they did not shoot with a purpose of killing, but only to disable. I am mindful of the rule of law that in a habeas corpus proceeding the court will not examine the evidence for the purpose of determining whether the party should be pronounced guilty or innocent of the offense for which he is imprisoned; yet in a case of this character it is not only proper but necessary for the court to determine whether the parties acted wantonly and with criminal intent, or whether their acts, though wrongful, were errors of judgment only. If they acted wantonly, with a criminal intent, then they were not acting within the scope of the authority conferred by the laws of the United States. On the other hand, if they acted without any criminal intent, but in an honest belief that they were only discharging the duties of a soldier, then their offense, if offense it was, was not against the laws of the State, and in such case the State has no jurisdiction. Petitioners were charged with the duty of arresting Morgan, a deserter from the Army of the United States, who had escaped or was attempting to escape from confinement therefor, and if what they did was in the honest belief that they were discharging their duty they are not answerable to the criminal laws of the State. As was said by Judge Shiras in re Waite (D. C.), 81 Fed., 359:

The sole question properly arising before this court is that of the jurisdiction of the district court of Howard County, and, under the facts established by the evidence adduced, the first matter for consideration is whether an officer or agent of the United States, engaged in the performance of a duty arising under the laws and authority of the United States, is liable to a criminal prosecution in the courts of the State for acts done by him in his official capacity. This presents a matter of moment much beyond the mere question of the detention of the liberty of the petitioner as an individual. Broadly stated, it involves the proposition whether the operations of the Government of the United States in matters within its sole control, and which operations, of necessity, must be carried forward by means of officers and agents duly appointed, can be interfered with by criminal proceedings instituted in the State courts, and based upon acts done by such officers or agents within the scope of the duties imposed upon them. By this it is not meant to assert that because a person is an officer or agent of the Federal Government, he is thereby excepted out from the jurisdiction of the State or the binding force of its laws. The mere fact that when the acts by him done were done he was an officer of the United States, charged with certain duties to that Government, will not afford him immunity from prosecution under the laws of the State; nor will the mere fact that he claims that the acts done were within the line of his official duty afford him protection, if the acts are such as to show that the claimed immunity is a mere subterfuge, and that under no fair consideration of his official duty could he have assumed that he was acting in his official capacity when the acts complained of were done by him. But when an officer of the United States is charged with the performance of certain duties under the laws of the United States, and in the general performance thereof he does acts which it is claimed are in excess of his proper duty, or which are violative of the rights of other citizens, the question is whether a prosecution therefor can be sustained in the State courts, when it is apparent that the institution and maintenance thereof may interfere with the enforcement of the laws of the United States or with the operations of that Government. Under this aspect of the question, the point is not what the rights of individual citizens might require for their proper protection, but whether the Government of the United States, acting in the interest of the entire community, has not the right to assert that its operation within the jurisdiction conferred by the

Constitution, and wherein it is supreme and paramount, can not be interfered with under the laws of the State; and that to prevent such interference it must be held that an officer or agent of the United States, when engaged in the performance of his official duties, is not amenable to the laws or courts of the State in a criminal prosecution based upon acts by him done in connection with his official duties. If in the performance of these duties the officer so acts as to violate his duty to the United States, that Government, and not the State, is the proper party to call him to account. If the acts done are violative of the rights of individuals, a civil action for damages may be maintained, or protection may be sought under the laws of the United States, and thus a remedy may be afforded to the citizen without bringing the Federal and State Governments into conflict, or without unduly interfering with the operations of that Government under whose authority the officer is acting.

This case was affirmed, and the doctrine announced approved by the court of appeals, in 31 C. C. A., 403; 88 Fed., 102.

There is another view of the subject requiring consideration; that is, that the act done by petitioners being an attempt at enforcement of the military law of the United States, a subject over which the State has no control or concern, State statutes can have no application thereto. As said in re Waite:

It will not be questioned that to sustain a criminal prosecution the statute upon which it is based must be binding upon the person and applicable to the acts which form the basis of the prosecution. If, when the acts were done, the same were not within the plane of the jurisdiction of the State, then the statute of the State has no application thereto, and it can not be predicated of the acts that they constitute violations of the statutes of the State.

This doctrine and case was cited with approval in Ohio *v.* Thomas, 173 U. S., 276; 19 Sup. Ct., 453; 43 L. Ed., 699.

It has been uniformly held that the courts of a State have no jurisdiction of the crime of perjury committed in an examination before a commissioner under the United States bankrupt act; in testifying before a commissioner of the circuit court of the United States; in making an affidavit under the acts of Congress relating to the sale of public lands; in testifying before a notary public of the State upon a contested election of a member of the House of Representatives of the United States. (State *v.* Pike, 15 N. H., 83; ex parte Bridges, 2 Woods, 428; Fed. Cas., No. 1, 862; State *v.* Shelley, 11 Lea, 594; Ross *v.* State, 55 Ga., 192; State *v.* Adams, 4 Blackf., 146; People *v.* Kelly, 38 Cal., 145: State *v.* Kirkpatrick, 32 Ark., 117; in re Loney, 134 U. S., 372; 10 Sup. Ct., 584; 33 L. Ed., 949.)

In State *v.* Pike, supra, Chief Justice Parker said:

The matters from which the charge now before us arises are alleged to have occurred under, and in the course of the execution of, the laws of the United States. Those laws required certain things to be done. Congress had the right to prescribe how they should be done, to regulate the duties of all persons who acted under the law, and to prescribe penalties for the violation of such duties. In such case, if acts are done which, if transacted under the laws of this State, would have constituted offenses within the provisions of our criminal code, yet, being done in pursuance of the laws of another government (having the sole power to regulate the whole proceeding) authorizing the act to be done, prescribing the mode, imposing the duty, and affixing the penalty for the violation of it, the acts can not be regarded as having been done under the sanction of the laws of this State, so as to subject the parties to punishment under those laws.

These decisions are directly applicable to the case at bar. In the matter before us the petitioners were acting for and on behalf of the United States, under the military authority of the United States—a subject-matter the control of which, under the Constitution, is vested solely in the General Government. The State can not in any particular, either through its legislative or judicial department, regulate or circumscribe the powers of the United States in respect thereto. The wisdom, expediency, or justness of

the military laws, rules, and regulations adopted and prescribed by the United States are no concern of the State. The proper enforcement of such laws, rules, and regulations can not be measured and determined by State laws. To require the petitioners to answer for their acts to the State courts is to permit the State courts to administer the military laws of the United States; to determine in a criminal proceeding the extent of authority possessed by the soldier under those laws; to say when, and under what circumstances, the subordinate may disregard and disobey the orders and commands of his superior officer; to determine the amount of force which the United States may use to apprehend one charged with a military offense; in short, to nullify the rules and regulations adopted to insure the efficiency of the military service. As said by Mr. Justice Brown, when on the district bench, in United States *v.* Clark, supra:

> It would be extremely unwise for the civil courts to lay down general principles of law which would tend to impair the efficiency of the military arm, or which would seem to justify or condone conduct prejudicial to good order and military discipline. An army is a necessity—perhaps I ought to say an unfortunate necessity—under every system of government, and no civilized state in modern times has been able to dispense with one. To insure efficiency an army must be, to a certain extent, a despotism. Each officer, from the general to the corporal, is invested with an arbitrary power over those beneath him, and the soldier who enlists in the army waives, in some particulars, his rights as a civilian, surrenders his personal liberty during the term of his enlistment, and consents to come and go at the will of his superior officers. He agrees to become amenable to the military courts, to be disciplined for offenses unknown to the civil law, to relinquish his right of trial by jury, and to receive punishments which, to the civilian, seem out of all proportion to the magnitude of the offense.

Finding, as I do, that the act of petitioners in the shooting of Morgan, under the circumstances as shown by the evidence, was an act done in the performance of their duty as soldiers of the United States, it follows that the State courts are without jurisdiction in a criminal proceeding to determine whether they exercised proper care, judgment, and discretion in the discharge of that duty. For this reason the imprisonment of petitioners is in violation of their rights under the Constitution of the United States, and they are entitled to their discharge.

(100 Fed. Rep., p. 149.) (*See A. R., 971.*)

CIRCULAR, No. 54.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, December 26, 1900.

By direction of the Secretary of War, the following decision of the Comptroller of the Treasury is published to the Army for the information and guidance of all concerned:

APPEAL NO. 5315.

TREASURY DEPARTMENT,
OFFICE OF COMPTROLLER OF THE TREASURY,
December 10, 1900.

Under the date of August 24, 1900, the Auditor for the War Department made a settlement, No. 16368, of the accounts of John S. Cator, lieutenant, Second North Carolina Volunteer Infantry, as acting quartermaster for October, 1898, in which he found a balance of $4.24 due the United States. In making this settlement the officer was credited with $111.49 on account of "extra-duty pay" paid to sixteen soldiers for extra duty performed during the months of August and September, 1898. In the same settlement, B. F. Dixon, major, Second North Carolina Volunteer Infantry, was charged with the $111.49 under paragraphs 653 and 696, Army Regulations, because the latter, as commanding officer, ordered the illegal payments made.

Under date of November 20, 1900, the Auditor transmitted the papers to this office with a suggestion that an error had been made by him in giving Cator credit for the $111.49, in order that the Comptroller might revise the account if he deemed such action proper.

The first proviso of section 6 of the act of April 26, 1898 (30 Stat. L., 365), provides.

"That in war time no additional increased compensation shall be allowed to soldiers performing what is known as extra or special duty."

During the time for which this extra-duty pay was paid, war with Spain was in progress, therefore said payment was in violation of the law above quoted.

On September 10, 1898, B. F. Dixon, major, Second North Carolina Volunteer Infantry, commanding at Lands End, S. C., issued the following order to the quartermaster of the post (Lieutenant Cator), as follows:

"Please pay to the following-named men the amount set opposite their respective names for services rendered in building barracks."

Then followed the names of sixteen soldiers and amount due each at 50 cents per day.

Paragraph 653, Army Regulations, 1895, provides:

"An officer will have credit for an expenditure of money made in obedience to an order of his commanding officer. * * * If the expenditure be disallowed it will be charged to the officer who ordered it."

Paragraph 696, supra, relates solely to property and is not pertinent to this case.

The language found in paragraph 653 of 1895 also appeared in paragraphs 909 of 1857, 1007 of 1861 and 1863, 1653 of 1881, and 737 of 1889.

As the Auditor gave Cator the credit and charged the same to Dixon on the strength of paragraph 653 of the Regulations, it becomes important to determine whether said regulation was sufficient authority for his action. It will be remembered that the payment of extra-duty pay in war time was prohibited by express provision of law; therefore the order for its payment was not one which any commanding officer had authority to give. Whether it was issued in ignorance or in disregard of the law is not material; it was nevertheless illegal and void.

It has sometimes been contended that the Army Regulations of 1863 received such a Congressional approval in section 37 of the act of July 28, 1866 (14 Stat. L., 338), as to make them statutory regulations having the full force of a statute and not subject to amendment by the Executive Department, and where those regulations have not been repealed or modified by Congress they are now the law on the subjects to which they relate. This act provides—

"That the Secretary of War be, and he is hereby, directed to have prepared, and to report to Congress, at its next session, a code of regulations for the government of the Army, and of the militia in actual service, which shall embrace all necessary orders and forms of a general character for the performance of all duties incumbent on officers and men in the military service, including rules for the government of courts-martial, the existing regulations to remain in force until Congress shall have acted on said report."

The regulations referred to in the last sentence of the above-quoted section undoubtedly were those of 1863.

In considering this statute the Judge-Advocate-General held—

"That in the provision of section 37, chapter 299, act of July 28, 1866 (14 Stat. L., 338), which, in directing the Secretary of War to prepare and report to Congress at its next session a new set of regulations, added 'the existing regulations to remain in force until Congress shall have acted on said report,' meant merely that the same should remain in force as regulations. It did not communicate to them the quality or effect of statutes. (Winthrop's Digest, p. 117.)

I concur in the above opinion, therefore. I regard the regulation under discussion as having only the force and effect of a departmental regulation, and when it is in conflict or inconsistent with law it must yield to the superior authority of the statute.

As the payment in question was prohibited by law, the disbursing officer must be held responsible; and the fact that he paid it under an order of his commanding officer furnishes no legal excuse. To hold otherwise would be to permit illegal payments, so far as disbursing officers are concerned, and compel the United States to rely upon the doubtful chance of recovery from commanding officers. One of the main principles of public accounting is to hold disbursing officers responsible for the legality of their payments. If the Secretary of War, under his authority to make regulations not in conflict or inconsistent with law, can authorize credits to disbursing officers for illegal payments, it would be utterly subversive of and not in aid of or in harmony with law. Whenever Congress has desired to relieve disbursing officers from liability for payments made on the authority of others, it has had no difficulty in finding language to express that intent. Examples of this will be found in sections 285 and 846, Revised Statutes, act of March 3, 1879 (20 Stat. L., 419), and paragraph 6 of

section 8, act of July 31, 1894 (28 Stat. L., 208). Under the last-mentioned act, general provision has been made by which disbursing officers can avoid responsibility by applying to the Comptroller of the Treasury for an advance decision in cases where they may have doubts. The enactment of the special provisions above mentioned is a clear indication that Congress intended that the general rules of accounting would apply in other cases upon the well-known rule of construction of "expressio unius est exclusio alterius."

It seems but fair to state that there is reason to believe that the payment in question was made in ignorance of the law prohibiting it. As the disbursing officer must be held for the amount, it seems proper that the Auditor should file caveats against the soldiers who received the money, so that the amounts may be deducted from any sums which may otherwise be due them. If any such deductions shall be made, the amount thereof can then be paid the disbursing officer. The charge against B. F. Dixon will also remain as a caveat.

The accounts of John S. Cator, settlement No. 16358, are hereby revised on my own motion, and I find and certify a difference of $111.49, which will be charged against him by the Auditor and deducted from any pay now due him, and his accounts closed.

L. P. MITCHELL, *Assistant Comptroller.*

(*See A. R., 164 and 653.*)

CIRCULAR, No. 55.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, December 31, 1900.

I. The following decision has been made and is published to the Army for the information and guidance of all concerned:

TRANSPORTATION FOR CIVILIAN PHYSICIANS.—The Quartermaster's Department, when called upon to do so by recruiting officers, will furnish transportation from place to place, for the purpose of examining recruits, to civilian physicians not under contract but employed under verbal agreement for the examination of recruits, pursuant to paragraph 842 of the Regulations, as amended by General Orders, No. 115, August 23, 1900, Headquarters of the Army, Adjutant-General's Office. The cost of such transportation would be a charge against the appropriation for "Transportation of the Army and its supplies."

A recruiting officer who employs a civilian physician in the manner indicated (in the absence of a commissioned medical officer or acting assistant surgeon) is authorized to take the physician with him to examine recruits when ordered from place to place to make enlistments, and will call upon the proper officer of the Quartermaster's Department to provide the necessary transportation for the civilian physician.

UNITED STATES ARMY RECRUITING CIRCULAR.

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, June 19, 1900.

The following instructions will govern recruiting for the Regular Army hereafter:

Applicants for first enlistment must be between the ages of 18 and 35 years, of good character and habits, able-bodied, free from disease, and must be able to speak, read, and write the English language.

No person under 18 years of age will be enlisted or reenlisted, and minors between the ages of 18 and 21 years must not be enlisted without the written consent of father, only surviving parent, or legally appointed guardian.

Original enlistments will be confined to persons who are citizens of the United States or who have made legal declaration of their intention to become citizens thereof.

Married men will be enlisted only upon the approval of a regimental commander.

Applicants will be required to satisfy the recruiting officer regarding age and character, and should be prepared to furnish the necessary evidence.

For infantry and heavy artillery the height must be not less than 5 feet 4 inches and weight not less than 120 pounds and not more than 190 pounds.

For cavalry and light artillery the height must be not less than 5 feet 4 inches and not more than 5 feet 10 inches and weight not to exceed 165 pounds. No minimum weight is prescribed for these arms, but the chest measures must be satisfactory.

Table of physical proportions for height, weight, and chest measurement.

Height.		Weight.	Chest measurement.	
Feet.	Inches.	Pounds.	At expiration. (Inches.)	Mobility. (Inches.)
5 4/12	64	128	32	2
5 5/12	65	130	32	2
5 6/12	66	132	32½	2
5 7/12	67	134	33	2
5 8/12	68	141	33¼	2½
5 9/12	69	148	33½	2½
5 10/12	70	155	34	2½
5 11/12	71	162	34¼	2½
6	72	169	34½	3
6 1/12	73	176	35¼	3

It is not necessary that the applicant should conform exactly to the figures indicated in the foregoing table. A variation not exceeding 10 pounds in weight or 2 inches in chest measurement (at expiration) below the standard given in the table is admissible when the applicant for enlistment is active, has firm muscles, and is evidently vigorous and healthy. The table is given to show what is regarded as a fair standard of physical proportions and not as an absolute guide to be followed in deciding upon the acceptance of recruits.

Marked disproportion of weight over height is not a cause for rejection unless the applicant be positively obese.

Applicants must defray their own expenses to the place of enlistment. Their fitness for the military service can be determined only upon examination at a military post or other recruiting station.

The term of service is three years.

All soldiers receive from the Government (in addition to their pay) rations, clothing, bedding, medicines, and medical attendance.

The following are the rates of pay as fixed by law:

Grade.	Pay proper per month.
COMPANY.	
Private—Cavalry, artillery, and infantry	$13.00
Musician—Cavalry, artillery, and infantry	13.00
Wagoner—Cavalry	14.00
Artificer—Field artillery and infantry	15.00
Saddler—Cavalry	15.00
Farrier and blacksmith—Cavalry	15.00
Corporal—Cavalry, artillery, and infantry	15.00
Cook—Cavalry, artillery, and infantry	18.00
Mechanic—Heavy artillery	18.00
Sergeant—Cavalry, artillery, and infantry	18.00
Quartermaster-sergeant—Cavalry, artillery, and infantry	18.00
First sergeant—Cavalry, artillery, and infantry	25.00
REGIMENT.	
Sergeant-major and quartermaster-sergeant—Cavalry, artillery, and infantry	34.00
Commissary-sergeant—Cavalry and infantry	34.00
Squadron sergeant-major—Cavalry	25.00
Battalion sergeant-major—Infantry	25.00
Drum major—Cavalry, artillery, and infantry	25.00
Chief trumpeter—Cavalry and artillery	22.00
Principal musician—Cavalry, artillery, and infantry	22.00

The pay proper of enlisted men serving in Porto Rico, Cuba, the Philippine Islands, Hawaii, and in the Territory of Alaska is increased 20 per cent over and above the rates of pay proper as given above.

In addition $1 per month for the third year of enlistment will be paid to the soldier. Soldiers reenlisting within three months from date of discharge receive a further increase of pay for the fourth and fifth years of service, and a still further increase for each five years of continuous service.

The soldier can deposit his savings in sums not less than $5 with any army paymaster, and for sums so deposited for the period of six months or longer the soldier, on his final discharge, will be paid interest at the rate of 4 per cent per annum. These desposits are nonforfeitable except for desertion.

Whenever a soldier is honorably discharged at the expiration of his enlistment, or on account of disability not caused by his own misconduct, his travel pay is ample to carry him to the place of enlistment.

By care and economy a soldier can save from his clothing allowance a considerable sum, payable to him on his discharge.

For soldiers who have served honestly and faithfully twenty years, or who have been discharged for wounds received or disease incurred in service, a comfortable Home is maintained in the city of Washington. The sum of 12½ cents per month is deducted from each soldier's pay, to be applied toward the support of the Home. After thirty years' service enlisted men are entitled to be retired, and upon retirement receive three-fourths of the monthly pay allowed by law to them in the grade they held when retired and $9.50 per month as commutation for clothing and subsistence. (*See A. R., 823, 824.*)

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MEMORANDUM.

Army Regulations, 1895, amended, modified, etc., by general orders and circulars, Adjutant-General's Office, since publication, to include December 31, 1900.

Paragraph A. R.	G. O.	Cir.	Year.	Paragraph A. R.	G. O.	Cir.	Year.	Paragraph A. R.	G. O.	Cir.	Year.
5		5	1900	138	12		1896	203		1	1896
9	106		1899	140		27	1897	203	73		1900
9	111		1899	140	40	31	1898	212	10		1896
11		20	1898	140	100		1898	212*a*	13		1898
11		32	1899	140	20		1899	213*a*	10		1897
20		32	1899	140	54	9	1899	214*a*	10		1897
25	53		1900	140	192		1899	214*b*	13		1898
30		2	1896	140	12	50	1900	215	82	24	1898
30		7	1900	141		1	1896	216	82		1898
44	126		1898	141	164		1898	217	82		1898
44	148		1898	141	180		1898	218	82		1898
46	46		1897	141	5	35	1899	220		24	1898
46	78		1898	141	26	15	1900	223	21		1899
46	85		1900	141	113		1900	223	41		1900
53	167		1898	141	114		1900	225	99		1898
53	100	43	1900	144		13	1895	225*a*	77		1898
54		20	1900	144		7	1896	226		15	1898
58		11	1895	145		13	1895	230	58		1895
68	182		1898	148		3	1896	230	125		1900
77	45		1898	148	10	6	1897	233	77		1898
84		36	1899	148		17	1897	233	63		1899
85	15		1897	148		27	1897	233	116		1899
85	151		1898	148		51	1898	234	116		1899
85		9	1900	148	48	13	1899	235	116		1899
91	106		1899	148		14	1899	238	116		1899
103		*3	1895	148	28		1900	239	116		1899
106	114	41	1898	148	95		1900	241	116		1899
106	126		1898	149*a*	20		1899	241		31	1900
106	139		1898	150	150	31	1898	245	116		1899
106	148		1898	150	5		1899	245†			
106	173		1898	150	54		1899	246	116		1899
106	23		1899	150	89	15	1900	257		9	1896
106	98	6	1899	152		4	1897	257	42		1897
106	111		1899	152		6	1897	257	82		1898
106	114		1899	152*a*	138		1899	260	153	18	1899
106		13	1900	153	180		1898	260		35	1899
107		2	1896	153	5		1899	260		45	1900
107	23		1899	153	114		1900	261		45	1900
107	98		1899	158	20		1900	263		8	1896
108	23		1899	159		27	1897	276		26	1897
108		8	1900	159		57	1898	280	94	30	1898
113	96		1899	161		27	1897	283	94		1898
113	149		1899	162	141		1898	288		33	1900
114	85		1900	162	116	9	1900	289	193		1899
115	45	48	1898	164		6	1896	297		33	1900
115	56		1900	164		21	1900	302	94		1898
124	160		1899	164		54	1900	302	36		1899
124	76		1900	165	29	15	1898	302		26	1900
128	42		1899	165	77		1898	310	125		1900
129	75		1897	177	42	14	1897	311	20		1896
129	180		1898	177	135		1898	312		2	1896
130	75	27	1897	183		55	1899	325		12	1895
132	180		1898	183		26	1900	325		2	1896
132	113		1900	183		27	1900	326	24		1900
133	113		1900	191	10		1897	334	9		1897
135		20	1897	193	68		1897	334	52		1897
135	76		1900	197	20		1896	334	164	45	1899

*Series War Department.

†Circular Letter July 16, 1897.

Army Regulations, 1895, amended, modified, etc., by general orders and circulars, Adjutant-General's Office, etc.—Continued.

Paragraph A. R.	G. O.	Cir.	Year.	Paragraph A. R.	G. O.	Cir.	Year.	Paragraph A. R.	G. O.	Cir.	Year.
334	179		1899	606		51	1899	813	8		1897
343	68		1897	607	181	10	1899	814	8		1897
346	33		1897	607		51	1899	819		*3	1895
348		5	1896	608		*4	1895	823	41		1899
348		19	1898	608	22		1899	823		(§)	
352	30		1900	608	89		1899	824		9	1898
363		11	1895	608	52		1900	824		(§)	1898
377	34		1899	609		*4	1895	825	41		1899
406	125		1900	609	22		1899	826	41		1899
408	10		1897	609	89		1899	827		25	1899
421	57		1899	609	49		1900	828	83		1899
422	57		1899	610		*4	1895	832	210		1899
423	57		1899	611		*4	1895	833		*3	1895
424	57		1899	612		*4	1895	836	147	44	1898
425	57		1899	613		*4	1895	838		13	1895
450	22		1897	614		*4	1895	838		49	1898
450	92		1899	615		*4	1895	838			
462	124		1900	615		30	1900	838	83		1899
468	119		1900	615		32	1900	842	71		1898
474	24		1896	627	36		1898	842	47		1899
474	15		1897	627	11		1899	842	115	55	1900
487 ‡	4		1900	627	98		1899	842 *a*	115		1900
492	15		1897	627	211		1899	843		7	1896
493	116		1900	627	42		1900	843		22	1899
501	142		1898	633	179		1898	843	115		1900
503	2		1899	633	75		1900	844		29	1899
505		8	1900	634	75		1900	847		29	1899
507	121		1898	635	65		1899	848		37	1899
512	8		1898	637	173		1898	848	119		1900
515		37	1900	641	37		1896	849		*3	1895
520		8	1900	642	37		1896	849	27		1898
530	37		1896	643	37		1896	850	58		1898
533		*2	1895	653		54	1900	850		19	1899
533	179		1898	655	53		1897	850		31	1899
553	37		1896	656	53		1897	851		19	1899
566	125		1899	657	175		1898	851		31	1899
566	182		1899	658		11	1896	854		*3	1895
566	125		1899	678		52	1899	854		6	1896
566	137		1899	683		27	1897	854 ¶			
569	182		1899	683		23	1898	855		*3	1895
571	53		1897	683		2	1899	855		22	1900
571		48	1899	703	21		1898	856		*3	1895
571		52	1900	708	87		1898	856 ¶			
573	10		1897	709	10		1897	856	27		1898
574	41		1900	709	179	44	1898	857	18		1895
575	73		1900	709		33	1900	857	11		1898
577		1	1900	710		11	1896	858	11		1898
578	53		1897	716	179		1898	859	11		1898
580	53		1897	723		1	1897	860	11		1898
580	40		1899	729	169		1898	866	56		1898
583	40		1899	730	169		1898	868	109		1898
584	53		1897	731	120		1900	870	109		1898
584		32	1898	733	125		1898	871	109		1898
584		5	1899	733	129		1898	874	81		1898
584		9	1899	738		17	1899	874	194		1898
584	81		1899	765		38	1898	874	**49		1900
584	40		1899	765		40	1898	875		41	1900
585	53		1897	765		50	1898	877	33		1900
586	53		1897	776		37	1898	878		13	1895
590	53		1897	778		25	1900	878	91	3	1898
592		*4	1895	778		34	1900	878	179		1898
592	53		1897	782		25	1900	878		3	1899
594		10	1898	784	11	4	1896	879	79		1898
596	139		1898	784		3	1897	882	91		1898
596	81	18	1899	784		5	1897	884	74		1898
596		20	1899	785	56		1898	886	151		1898
596	22	6	1900	785	82		1898	888	91		1898
597	139		1898	789	78		1898	888	164		1898
597	81	20	1899	790	72		1898	891	156		1898
597		6	1900	797	72		1898	892	189		1898
599	53		1897	800	128		1898	911	112		1899
599	68		1900	805	39		1898	914		4	1897
599	72		1900	805	108		1898	916	150		1898
606		18	1897	805	60		1900	926	49		1898
606		10	1899	813		12	1895	929		11	1897

* Series War Department.
‡ Section 4792.
§ Circular June 19, 1898.
‖ Circular letter, March 5, 1898.
¶ Circular letter July 30, 1896.
** Paragraph 12.

Army Regulations, 1895, amended, modified, etc., by general orders and circulars, Adjutant-General's Office, etc.—Continued.

Paragraph A. R.	G. O.	Cir.	Year.	Paragraph A. R.	G. O.	Cir.	Year.	Paragraph A. R.	G. O.	Cir.	Year.
929	49		1898	1178		1	1896	1272		89	1899
932		49	1898	1180		1	1896	1272		53	1899
934		11	1897	1182	149		1899	1272		57	1899
944		10	1896	1186	140		1900	1272	24		1900
945		10	1896	1189	140		1900	1273	5		1899
945		6	1897	1190	140		1900	1273	31		1899
951		10	1898	1191	19		1900	1273	114		1900
954		27	1897	1191	140		1900	1273	120		1900
954	134		1900	1193		5	1896	1274	5		1899
958		22	1898	1193		34	1900	1275	110		1898
959	62		1899	1194		53	1898	1275	96		1899
970	127		1900	1194		57	1898	1275		87	1899
971		53	1900	1194		20	1899	1275		49	1899
977		2	1897	1194		51	1900	1280		30	1899
984		4	1897	1200	51		1896	1280		33	1899
994	174		1898	1201	92		1899	1280	45		1900
994		55	1899	1201	45		1900	1282		30	1899
994		43	1900	1203	52		1899	1282		33	1899
998		30	1899	1203	136		1899	1284	106	49	1898
998		33	1899	1206	152		1898	1284	118	30	1899
998		29	1900	1208	8		1896	1284	139	33	1899
999		30	1899	1208	17		1896	1284	173		1899
999		33	1899	1208	176		1899	1285		1	1896
1004		33	1899	1209	152		1898	1285	106		1899
1006	12		1899	1210	152		1898	1288	185		1898
1006	118		1900	1210	9		1899	1288	141		1899
1012		8	1896	1211	152		1898	1288	107		1900
1013		5	1896	1211	9		1899	1289		1	1896
1013		6	1896	1212	176		1899	1290		1	1896
1013	5		1898	1214	10		1897	1290	185		1898
1014		6	1896	1231		11	1896	1290	141		1899
1014	5		1898	1252	106		1898	1298	141		1899
1020		5	1898	1252	120		1900	1299	141		1899
1020 *a*	118		1899	1253	49		1896	1299	196		1899
1020 *a*	35		1900	1253	65		1898	1300	13		1895
1029		3	1899	1253	78	21	1899	1300	141		1899
1032	62		1897	1253	46	23	1900	1300	196		1899
1037		3	1898	1256		8	1899	1301	65		1898
1037		3	1899	1256	6		1900	1301	119		1898
1037	49		1900	1257	110		1898	1301	34		1899
1068	23		1896	1257	23		1899	1301	53		1899
1069	38		1897	1257	73	37	1899	1301	88		1899
1069	26		1899	1258	53		1899	1301	146		1899
1069	157		1899	1258	125		1899	1306		32	1899
1080	141		1899	1258	137		1899	1309	121		1898
1081	106		1898	1258	182		1899	1316	196		1899
1081		5	1899	1259	125		1899	1321		8	1897
1081		32	1899	1259	137		1899	1321	42		1899
1082		5	1899	1259	182		1899	1321	68		1899
1082	109		1900	1262	53		1899	1321	112		1899
1093	2		1898	1262	110		1899	1321		21	1900
1100	7		1899	1265	45		1899	1321		28	1900
1100	68		1899	1265	22		1900	1321		36	1900
1100	112		1899	1265	91		1900	1322	68		1899
1109	40		1897	1265	118		1900	1322	97	36	1900
1109	114		1898	1266	1		1899	1323	68		1899
1109	139		1898	1266	118		1900	1323		36	1900
1109	145		1898	1267		8	1899	1324	68		1899
1109	173		1898	1267		45	1899	1325	68		1899
1109	5	57	1899	1267		52	1899	1325	109		1900
1109	90		1899	1267		54	1899	1326	68		1899
1109	106		1899	1269		8	1899	1327	68		1899
1109	111		1899	1269	125		1899	1328	68		1899
1109	114		1899	1269	137		1899	1329	68		1899
1109	83		1900	1269	182		1899	1330	68		1899
1117	40		1897	1269		13	1900	1330	121		1900
1117		37	1898	1270	125		1899	1331		17	1897
1117		36	1900	1270	137		1899	1331	68		1899
1117		46	1900	1270	182		1899	1332	68		1899
1118	46	4	1897	1272		11	1897	1333	68		1899
1119	119	18	1900	1272	145		1898	1334	68		1899
1119	122	24	1900	1272	148	39	1898	1335	68		1899
1122		11	1897	1272		52	1898	1336		36	1900
1128	22		1899	1272	31	26	1899	1336		46	1900
1129		40	1899	1272	197		1899	1348	31	8	1896
1147	2		1898	1272		37	1899	1348	53		1897

Army Regulations, 1895, amended, modified, etc., by general orders and circulars, Adjutant-General's Office, etc.—Continued.

Paragraph A. R.	G. O.	Cir.	Year.	Paragraph A. R.	G. O.	Cir.	Year.	Paragraph A. R.	G. O.	Cir.	Year.
1348	36		1899	1365	12		1896	1442		53	1898
1348	149		1899	1366	169		1898	1442		57	1898
1349	31		1896	1367	11		1896	1442		20	1899
1349	56		1897	1369	12	3	1896	1442		51	1900
1349	22		1899	1371		7	1896	1444		2	1896
1349		21	1900	1371	171		1899	1445		2	1896
1349*a*	70		1898	1371	96		1900	1446		52	1899
1350	31		1896	1374	171		1899	1446		54	1899
1350	56		1897	1381	180		1898	1447		2	1896
1350	22		1899	1382	42		1898	1447	119		1900
1351	31		1896	1382	48		1898	1450		2	1896
1351	56		1897	1384	42		1899	1457	126		1900
1352	31		1896	1385		49	1899	1457*a*	45		1900
1352	56		1897	1385	42		1899	1458	71		1898
1353	31		1896	1385	54		1899	1458	47		1899
1353	56		1897	1385	96		1899	1458	115		1900
1354	31		1896	1385	11	43	1900	1458*a*	115		1900
1354	56		1897	1385	88		1900	1458*b*	115		1900
1354		41	1899	1386	42		1899	1463	164		1898
1355	31		1896	1386	96	49	1899	1464	31		1900
1355	56		1897	1386	34		1900	1466	72		1898
1355	75		1897	1387	42		1899	1470	17		1897
1356	31		1896	1388		13	1895	1483	125		1899
1356	56		1897	1388	42		1899	1483	137		1899
1357	31		1896	1390		13	1895	1483	182		1899
1357	56		1897	1391	53		1897	1518	183		1899
1357		41	1899	1393	194		1898	1524	58		1897
1358	31		1896	1397	12		1896	1525	91		1898
1358	56		1897	1397	20		1899	1526	91		1898
1358	75		1897	1397	89		1899	1538	11		1900
1358		31	1899	1403	86		1899	1539	129		1900
1359	31		1896	1405		2	1896	1544	4		1896
1359	56		1897	1407		14	1899	1544	32		1896
1359	75		1897	1407	119		1900	1544	17		1897
1360	31		1896	1412	60		1897	1544	114		1899
1360	56		1897	1412	39		1900	1544	30		1900
1361	31		1896	1413	9		1896	1545	9		1899
1361	56		1897	1413	60		1897	1545	203		1899
1362	31		1896	1417	119		1900	1550*a*	32	50	1898
1362	56		1897	1421		3	1898	1551		14	1897
1363	31		1896	1433	125		1899	1551		15	1897
1363	56		1897	1433	137		1899	1551	99	39	1898
1363	183		1898	1433	182		1899	1551		50	1898
1364	31		1896	1439	114		1898	1551	4	8	1899
1364	56		1897	1439	31		1899	1551	5		1900
1364	96		1900	1440		52	1899	1552		4	1899
1365	11		1896	1440		51	1899				

Article A. R.	G. O.	Cir.	Year.	Article A. R.	G. O.	Cir.	Year.	Article A. R.	G. O.	Cir.	Year.
X		37	1898	XXVI		26	1900	LVII	81		1898
X		36	1900	XXVI		27	1900	LVIII	175		1898
X		46	1900	XXVI		47	1900	LXVI		3	1897
XVII	98		1899	XXX	99	39	1898	LXXX		21	1900
XVII	89		1900	XXX	39	8	1899	LXXXI	58		1898
XXIII		42	1900	XXXVII	71		1897	LXXXI	126		1898
XXV	4	14	1897	XXXIX	36		1899	LXXXI	178		1898
XXV	135		1898	XXXIX	69		1899	LXXXIII	124		1898

Article of War.	G. O.	Cir.	Year.	Article of War.	G. O.	Cir.	Year.	Article of War.	G. O.	Cir.	Year.
2	210		1899	80	110		1898	110	174		1898
75		33	1900	80	174		1898	112		48	1900
77		21	1898	80	88		1899	114		29	1900
80	28		1898	107		30	1898	122	138		1900
80	80		1898	110	80		1898	127		27	1897

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